Office of the Inspector General

September 2013

Volume 19, Issue 3

PROCUREMENT BULLETIN

Inside this issue:

NOTICE:

The current MCPPO schedule for July 2013 through December 2013 is now available. See pages **15-16** for information about course offerings, class schedules and registration forms. Information regarding all classes is available on our website. This Office is pleased to note that once again costs for participants will not increase. We hope that you will take advantage of the MCPPO program and you are welcome to contact program staff to discuss course content, possible discounts for group registrations and/or any other issues related to program access. **Please also be sure to keep an eye on our website for additional seminar dates that will be posted in the near future.** Highlights from some recent classes can be found on pages **11-13**.

Dear Public Officials:

Having recently completed my first year in office, I am increasingly appreciative of the ways in which the work of this Office has, throughout its history, benefitted from collaborative working relationships with local and state government officials. This fact was particularly brought home earlier this summer when I was privileged to host a gathering in our classroom to honor my three predecessors as Inspector General and to unveil their official portraits. At that meeting, Former Inspectors General Joseph R. Barresi, Robert A. Cerasoli, and Gregory W. Sullivan each commented on how this Office's work evolved to include not only the more traditional role of an inspector general (with a focus on investigations and prosecutions related to misuse of public resources) but also to encompass educational and proactive assistance whereby this Office works with local and state officials to achieve a better understanding of legal compliance and best practices in areas such as procurement, financial management, and public accountability. The positive heritage of the Office's emphasis on educational outreach is reflected in a report issued this month summarizing the history of the Massachusetts Certified Public Purchasing Official (MCPPO) program. As discussed in detail therein, this Office has been fortunate to have thousands of public employees as well as representatives from the private sector take advantage of our programs; this extensive participation has allowed our classes to evolve to include new topics, venues, and areas of interest. In that vein, I want to congratulate those public officials who have most recently received the MCPPO designation. A listing of those designees can be found on page 17 of this publication.

Building on the lessons learned by prior Inspectors General and their staffs is not a mere exercise in nostalgia but an important part of carrying out the mission of this Office. This is particularly so with respect to the MCPPO program as it has expanded in recent months. For example, two of the classes which have returned to the course offerings during my first year in office, *Spotlight on Schools* and *Real Property*, have greatly benefitted from instructional assistance and course materials provided by alumnae of our Office. Attorneys Angela Atchue, Heidi Zimmerman, and Lisa Price are all former Chapter 30B and MCPPO attorneys who have served as instructors in our programs in recent months. Their depth of knowledge, current work experiences, and appreciation for the program's themes, greatly enriched the MCPPO program. Similarly, municipalities have asked some former staff members to serve as chief procurement officers and in other positions of responsibility in local government. The positive synergy of MCPPO training and the practical insights of local government officials was particularly evident this summer in the first edition of our newest class, *Creating a Procurement Office*. Chief procurement officers from several communities served as panelists alongside Office representatives, sharing perspectives on the legal requirements, managerial challenges, and practical skills needed to carry out procurement functions in a variety of local government settings. I appreciate the contributions of all of those parties who have given back to the MCPPO program; your efforts help continue the emphasis on education as a tool for the prevention of fraud, waste, and abuse, which my predecessors as Inspector General established as a core component of our mission.

Once again, I want to thank you for your time and consideration in reviewing the publications of this Office and encourage you to contact the Office staff with comments or questions regarding our programs and resources.

Sincerely,

Glenn A. Cunha

Inspector General

UNVEILING OF THE PORTRAITS OF THE FORMER MASSACHUSETTS INSPECTORS GENERAL

— WEDNESDAY, JULY 10, 2013 —

On July 10 Inspector General Cunha hosted the three former Inspectors General for the unveiling of their official portraits, now in place in the foyer of this Office. At this unprecedented gathering, former and current staff members, members of the Inspector General Council, and representatives of the Office of the Attorney General and Office of the State Auditor had an opportunity to hear remarks from each of the Inspectors General and members of their staffs regarding the development of the Office from its creation in the wake of the Ward Commission report in late 1980 to its current tasks and objectives. The portraits were created by OIG staff member Mark Till, a certified fraud examiner in the Audit, Oversight and Investigations Division of the Office. IG Cunha also used the occasion to present a Citation for Outstanding Performance issued by the Governor's Office to Joyce McEntee Emmett, Director of MCPPO, and the program itself.

Mary Kolesar, the longest tenured current staff member, and former General Counsel Barbara Hansberry reflect on serving under the Former Inspectors General

(Clockwise): Inspector General Glenn Cunha; Former IG Robert Cerasoli; Former IG Joseph Barresi; Former IG Gregory Sullivan

Inspector General Glenn Cunha speaking to attendees about the history of the IGO

IG Cunha presenting an award to MCPPO Director Joyce McEntee-Emmett

First Assistant Natalie Monroe addressing the staff and other visitors

COOPERATIVE PURCHASING

M.G.L. c. 30B defines "cooperative purchasing" as a "procurement conducted by, or on behalf of, more than 1 public procurement unit or by a public procurement unit with an external procurement activity." In theory, cooperative purchasing (also called collaborative purchasing) can reduce costs and boost efficiency by maximizing the purchasing power of the cooperating entities and by reducing the costs of the purchasing process.

Since the Municipal Relief Act of 2010, local governmental bodies subject to M.G.L. c. 30B have been permitted to purchase supplies (but not services) from contracts that have already been procured by the federal government or a political subdivision (city, town, county, etc.) of the Commonwealth or any other state, if the contract is: 1) open to Massachusetts governmental bodies **and** 2) based on an open and fair competitive process. Local governments have the responsibility to determine if a cooperative contract complies with M.G.L. c. 30B requirements. Additionally, local governments subject to M.G.L. c. 30B may conduct or sponsor such cooperative procurements.

In the January 2013 *Procurement Bulletin*, this Office suggested that local governments use the following guidance to determine whether a cooperative purchasing agreement used a fair and open process. For example, determine if the awarding authority did the following:

a) advertised a procurement solicitation in a relevant publication;
b) used specific purchase descriptions in the solicitation;
c) provided for renewed competition;
d) used a clear rule for award or determination of best value in its solicitation; and
e) used an appropriate comparative evaluation process for choosing vendors.

This Office advises local government bodies to be wary of cooperative purchasing contracts that are akin to mere approved vendor lists, which are not the product of meaningful fair and open competitive bidding procedures likely to comply with Chapter 30B or best serve the economic interests of your jurisdiction. For example, some contracts will include any vendor that paid a fee to be added to the list regardless of vendor pricing.

This Office recommends that you understand the terms of the cooperative contracts and the legal and contractual obligations they impose. Cooperative contracts have their own user requirements and stipulations. Some contracts require a user fee and an application process, while others may not. Some contracts require that your jurisdiction commit to a purchase, while others simply offer the ability to purchase goods or supplies.

Also, contracts often identify multiple vendors that may offer the same good or supply. The purchaser has the responsibility to compare the prices and qualifications of the multiple vendors. You are not guaranteed the best price or value by simply choosing any vendor from any cooperative contract. Checking market prices to determine if the cooperative prices are reasonable and a good value is a sound and prudent business practice. You should also determine whether the product that is being offered through the cooperative contract is what you need and want. Make sure that you are not settling on a product that does not meet your needs simply because it is available through the cooperative contract. If the offered product is not what you want, then determine if you would you be better off conducting your own procurement. Finally, make sure you only purchase what has been specified and competitively procured through the cooperative contract. Purchasers frequently assume that if a vendor is approved to sell one product, that vendor is also approved to provide other products — even though those other products are not part of the cooperative contract. This is an incorrect assumption.

Cooperative purchasing has significant cost and time-saving potential for many jurisdictions. However, as with any contractual relationship, these contracts should be used with care and viewed with a requisite amount of healthy skepticism concerning promises of providing best value and price.

This Office would welcome examples of cooperative purchases that have or have not proved beneficial to your jurisdiction, as well as recommended strategies for using cooperative purchasing.

PROCUREMENT NEWS YOU CAN USE:

"Outside Sections" of the FY 2014 Budget Bill Related to Procurement of Goods, Services, and Construction Contracts

The Fiscal Year 2014 budget bill signed by Governor Deval Patrick on July 12 contained several outside sections that modify current state statues pertinent to public contracting. Those sections, most of which went into effect immediately, include the following:

SECTION 46. Section 3 of chapter 30B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 2, the words "five thousand dollars" and inserting in place thereof the following figure: $10,000.

The requirement under state law for the maintenance of a written contract file for awarding authorities subject to Chapter 30B is now in effect when the value of the contract for goods and services is $10,000 or more. Previously, the requirement was applicable for all contracts having a value of $5,000 or more.

SECTION 47. Section 4 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 3 and 14, the figure "$5,000" and inserting in place thereof, in each instance, the following figure: $10,000.

The threshold at which a formal competitive process is required under Chapter 30B, which has been at $5,000 since 2000, has now been increased to $10,000. This makes the 30B threshold consistent with the thresholds already in place for public building construction contracts pursuant to Chapter 149 and public works construction projects awarded pursuant to M.G.L. c. 30, § 39M. As a consequence of the modification of the sound business practices threshold, the range of contract awards that will be required to be awarded pursuant to a quotation process will be changed to $10,000-25,000 after having been $5,000-25,000 over approximately the past twelve years.

SECTION 48. Section 15 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 20, the figure "$5,000" and inserting in place thereof the following figure: $10,000.

The threshold at which the disposition of surplus supplies is subject to Chapter 30B has been moved from a net estimated value of $5,000 to a net estimated value of $10,000. For surplus supplies with a value estimated to be less than $10,000, local ordinances and by-laws, if any, shall continue to dictate the advertising requirements and public disposition procedures which shall apply. The procedures of M.G.L. c. 30B, § 15, shall continue when the estimated net value is $10,000 or greater.

SECTION 49. Section 17 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 1, the words "five thousand dollars" and inserting in place thereof the following figure: $10,000.

Pursuant to this change in Chapter 30B, $10,000 is the value at which goods and services contracts must be in writing.. In the absence of the execution of such a contract, the governmental body shall not make payment for a supply or service governed by Chapter 30B.

It is very important for local awarding authorities to consider how, if at all, they may want or need to modify their own local procurement regulations and policies in light of the changes in Chapter 30B. For governmental bodies that have procurement thresholds equal to or less than the Chapter 30B thresholds which were recently modified, they may want to consider whether it is beneficial to alter their thresholds to make them consistent with the revisions to Chapter 30B. It remains the prerogative of local governmental bodies to impose more stringent requirements than those imposed by state statute. For example, a given town or regional school district may determine that it wishes to continue requiring formal quotation procedures for contracts with a value of less than $10,000 despite the recent changes to Chapter 30B. Similarly, local governmental bodies may determine that they want to adopt the new $10,000 threshold for purposes of goods and services purchases but wish to establish a different threshold for the disposition of surplus supplies. In any event, it is important for persons conducting procurement activities to achieve compliance with state regulations, including Chapter 30B, as well as local procurement by-laws and ordinances in order for the resulting contracts to be valid.

Local officials wishing to review the implications of the recent legislative changes for their procurement practices and policies are welcome to contact this Office's Chapter 30B Hotline. In future issues of the *Procurement Bulletin,* we anticipate addressing questions that emerge as the new statutory provisions are implemented.

FY 2014 Budget Bill

SECTION 45. Chapter 30 of the General Laws is hereby amended by inserting after section 38 the following section: Section 38A. Contracts for road, bridge, water and sewer projects awarded as a result of a proposal or invitation for bids under chapter 7C, section 11C of chapter 25A, section 39M of this chapter and sections 44A to 44H, inclusive, of chapter 149 shall include a price adjustment clause for each of the following materials: fuel, both diesel and gasoline; asphalt; concrete; and steel. A base price for each material shall be set by the awarding authority or agency and shall be included in the bid documents at the time the project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material. The price adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 percent.

This section was returned to the Legislature with proposed amendment language offered by the Governor and awaits final action by the Legislature. This section, if enacted, will require the use of price adjustment clauses on specified categories of public works contract, which are most often awarded pursuant to M.G.L. c. 30, § 39M. The language is similar to existing requirements imposed by the Massachusetts Department of Transportation for road projects funded through M.G.L. c. 90. Pursuant to Section 45 of the budget bill, such mandatory price-adjustment clauses will now apply to all road, bridge, water, and sewer projects whether they are contracted by a state or local awarding authority.

DCAMM Cites Contractor's Poor Scores and False Submissions in Declining Recertification

On July 11, 2013, the Division of Capital Asset Management and Maintenance (DCAMM) issued a Final Determination to Deny a Certificate of Eligibility to TLT Construction Corp. ("TLT") of Wakefield. TLT, the general contractor for many previous and current major public building construction projects, was denied recertification by DCAMM pursuant to its regulatory powers under M.G.L. c. 149, § 44D. In its letter announcing that it was declining to recertify TLT, DCAMM noted its conclusion that TLT had willfully failed to provide accurate information regarding the volume of direct payment claims made by sub-contractors and thereby had provided DCAMM with materially false information, had faced excessive direct payment demands, had multiple past projects with failing scores, and has multiple failing preliminary scores on recently completed or current projects (including projects in Foxboro, Lexington, Sutton, and Westwood). Pending any legal appeal it may file challenging DCAMM's decision, TLT must wait a minimum of one year before reapplying for certification. Earlier this year TLT was terminated by the State of New Hampshire in connection with a contract for the construction of a National Guard facility. The state's manager for that project cited, among other problems, concerns with the procedures used for pouring concrete in cold weather, reportedly resulting in foundations not meeting pressure-testing standards.

Chapter 30B Hotline: (617) 722-8838

World Boston Council & Citizens of Azerbaijan Visit the OIG

Friday, June 28, 2013

On June 28, the Office of the Inspector General hosted a group of urban planning specialists from Azerbaijan who were in Boston through a professional exchange program managed by World Boston, a local partner of the U.S. Department of State. World Boston's local representatives reached out to the Office due to the organization's familiarity with the procurement manuals and training opportunities offered through the MCPPO program. The Azerbaijani delegation included urban planners, architects, and legal staff, all of whom are interested in the development of best practices for urban renewal construction, contract awarding, and management practices. Along with their translators from the State Department, the group had a wide-ranging discussion with Inspector General Cunha and OIG staff members regarding topics such as procurement policies, historic preservation, building code regulations, and efforts to prevent corruption in public contracting.


Baku, Azerbaijan

(Above, left to right):

Mr. Amin Mammadov
Project Coordinator
Baku State Design Institute

Mr. Shahin Shamilov,
Director of Design Division
Venezia Design SRL

(Above, left to right):

Ms. Goncha Manafova
Architect
Architect & Building Office
City of Baku

Ms. Vafa Rustam
Lawyer and Researcher
Public Association for
Assistance to Free Economy

FREQUENTLY ASKED QUESTIONS RELATING TO PROCUREMENT ISSUES

Q1. Has the OIG sanctioned a service provided by Chambers Advisory Group related to audit of municipal utility bills?

A1. It has come to the attention of the Inspector General's Office that Chambers Advisory Group, a telephone bill review provider, has reached out to nearly two hundred awarding authorities in the Commonwealth via a mass email. This email indicated that there exists a special agreement between the Chambers Advisory Group and the Inspector General's Office for Chambers to provide free bill review services to all of the municipalities in Massachusetts.

Please be advised that this is inaccurate information. The Inspector General has not sanctioned, approved, or endorsed Chambers Advisory Group, or any other group, as a telephone bill reviewer.

The Office of the Inspector General has required Chambers Advisory Group to specifically retract these messages to all who have received them. These retraction emails were sent in April 2013. If you received the original message but not the retraction, please contact our Office to let us know. In addition, please be reminded that this Office does not endorse, approve, or sanction any particular vendor of supplies or services for any reason. Please report any similar claims that this Office has endorsed a vendor to our Chapter 30B telephone line at (617) 722-8838.

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Q2. Are there specific formalities that must be observed to have a bid opening be valid under Chapter 30B?

A2. M.G.L. c. 30B, § 5(d), states that a procurement officer shall open a bid publicly. The procurement officer may do so in one of two ways, according to the statute: "1) At a public meeting, as defined by statute, in the presence of a quorum. 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. The procurement officer and all witnesses must sign a statement under penalties of perjury listing the names of all bidders, the amounts of their bids, and declaring that the list is a complete and accurate list of bids opened in the presence of said witnesses. Procurement officers are required to file a certified copy of the [meeting] minutes or signed statement with the contract." This Office recommends that awarding authorities use a standardized form at bid openings to create the required record memorializing the public meeting or witnessed opening.

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Q3. My town has recently received a grant to invest in parks and open space to benefit the community and increase recreational areas for the public. Would services I procure towards the goal of cleaning up and beautifying our local parks be considered exempt under the "grant agreement" provisions of M.G.L. c. 30B?

A3. Generally the applicability of the procurement laws Chapter 30B as well as the construction bid laws that may to apply to many aspects of park-land enhancement) is not changed based on whether dollars used to fund a contract are received from tax revenues or state and federal grants. There are some specific exceptions to this general principle based on statutes and legal opinions interpreting those statutes. You are encouraged to call our Office with respect to goods and services contracts, and the Attorney General's Office with respect to the construction contracts, for guidance regarding a particular set of circumstances. Under Section 2 of Chapter 30B, a "grant agreement" is defined as "an agreement between a governmental body and an individual or nonprofit entity, the purpose of which is to carry out a public purpose of support or stimulation instead of procuring supplies or services for the benefit or use of the governmental body." In interpreting this provision, this Office has found it applicable to a narrow set of circumstances wherein the governmental body is procuring goods and services not for the traditional purposes and benefit of the governmental body itself, but for some aspect of public stimulation. For example, a community that decides to hire a computer instructor to provide job development skills training to unemployed residents in the community is arguably not purchasing a service for itself, but is entering into a contract to facilitate support for the community as a whole. Of course, even when a service is possibly within an exemption to Chapter 30B, our Office encourages the use of a competitive process.

FREQUENTLY ASKED QUESTIONS RELATING TO PROCUREMENT ISSUES (CONTINUED)

Q4. My town needs fill for its landfill-capping project. A construction company the town is working with told me that the firm can get me the entire load of fill I need for free. Should I just take it?

A4. In the opinion of this Office, it would not be a proper procurement or financial management practice. For more than a decade, construction firms have been paying municipalities for the right to deposit dirt at landfills. Right now, some landfills are receiving in excess of $20 per ton for accepting dirt. Chapter 30B bidding rules apply when a town is selling something of value–in this case, space–as well as when the town is buying something. Your town is in the enviable position of being paid to receive material it needs. You should use a competitive process that conforms to Chapter 30B to ensure you get the most value for the town. Even for non-landfill projects, there is an active market for dirt disposal. Any contract of value should be competitively bid.

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Q4a. Isn't this covered by the "solid waste" exemption under Chapter 30B?

A4a. The OIG recognizes that one of the exemptions under M.G.L. Chapter 30B is for "solid waste" contracts; however, this general ex emption does not apply to landfill capping projects. In the Massachusetts Department of Environmental Protection's classification system, material to be used for grading and shaping at landfills is explicitly defined as "not solid waste." Furthermore, the "solid waste exemption" is generally understood to apply to two kinds of material: contracts for the handling of municipal solid waste collected by trash haulers and contracts for the disposal of construction and demolition material, by-products of real estate development projects. The exemption was not intended to refer to material that towns use to cap landfills.

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Q4b. If this stuff is so valuable, are there any limits on how much fill I can accept? I'd like to build a new fire station with the proceeds.

A4b. As part of its permitting process, DEP sets limits on the amount of fill to be brought in to a landfill site. DEP sets these limits based on how much fill is needed to build the cap, what the reasonable costs are of doing the project, and an allowance for future maintenance. DEP does not permit unrelated projects to be funded through landfill capping.

MassDEP
Commonwealth of Massachusetts
Department of Environmental Protection

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Back in the Line-up with the return of some "VETERAN" PLAYERS

Local Government Real Property Transactions Under M.G.L. c. 30B was *back in play* on April 11, 2013. Guest speaker and former OIG Deputy General Counsel, Angela D. Atchue, presented a segment entitled, ***"Practical Advice for Certain Real Property Transactions."*** Angela is currently the Senior Legal Officer for the City of Boston Property and Construction Management and Public Facilities Departments. This course will be offered again on October 1, 2013, and will be held in Boston.

Spotlight on Schools: Procurement Issues, Challenges and Trends was *back in play* on April 30, 2013, in Boston and via videoconference with Gateway RSD. Guest speaker and former OIG Legal Counsel for Financial Investigations, Heidi E. Zimmerman, co-presented a segment entitled "**Special Education Contracting Issues**." Heidi is currently Finance & Operations Manager for the Student Services Department of Lexington Public Schools. Co-presenter was Stephanie Fisk, Business and Finance Officer for Gateway RSD. Stephanie and Gateway RSD have been our hosts for the majority of the MCPPO videoconferences held out in the western part of the state. This course will be offered again on October 8, 2013, in Boston, as well as in Huntington via videoconference.

Many thanks to ALL for "STEPPING UP TO THE PLATE!"

FYI TO ALL MCPPO DESIGNATION APPLICANTS – FALL 2013

Please be advised that as of September 1, 2013, the Office will be reinstating the requirement that all MCPPO Designation Applications include a completed Criminal Offender Record Information (CORI) Request Form. If you have any questions regarding this policy, please contact Joyce McEntee Emmett at (617) 722-8835 or via email at Joyce.Emmett@massmail.state.ma.us.

MCPPO Report

The Office recently issued to the Legislature an overview of the history of the MCPPO program highlighting its establishment by former Inspector General Robert Cerasoli and its development as a leading resource for public and private sector representatives seeking to learn about and exchange information regarding procurement and contracting practices in the Commonwealth. The report has been issued in conjunction with the expansion of program offerings during the past year and the Legislature's recent increase to the Fiscal Year 2014 retained revenue account through which the program operates. The report may be accessed by linking to: http://www.mass.gov/ig/publications/reports-and-recommendations/2013/mcppo-15-anniversary-report-8-29-13.pdf.

Lunch and Learn Webinar – How to Use Statewide Contracts

The Operational Services Division's (OSD) Training Department is pleased to offer a free webinar to Commonwealth municipal purchasers who are interested in learning about the significant benefits that can be realized from buying off of Statewide Contracts. Join us on Tuesday, September 24th or Thursday, October 31st at 12:00PM to learn about the Statewide Contracts most commonly used by cities and towns; how to purchase from them; and how to maximize cost savings.

Click here to register for free: **http://howtouseswcs.eventbrite.com/**.

Revised Advanced Topics Update Class features a Range of Presentations on Recent Developments

The MCPPO program has again benefitted in recent months from the participation of a variety of guest presenters covering specialized topics and commenting on recent developments related to public procurement and contracting. This was particularly true of the most recent edition of the revamped Advanced Topics Update (ATU) program offered in May of this year. Guest presentations included Assistant Attorney General Jonathan Sclarsic reviewing recent interpretations of the Open Meeting Law, Supervisor of Public Records Sean Williams discussing recent and proposed changes to the Public Records Law, Susan Goldfischer, Esq. of DCAMM and John Fitzpatrick of the Supplier Diversity Office reviewing M/WBE contracting policies and procedures, Assistant Attorney General Matthew Connolly summarizing recent applications of the Massachusetts False Claims which resulted in recoveries by the Commonwealth in excess of $11 million, Eileen McHugh of the Department of Energy Resources reviewing lessons learned from municipal contracts governed by M.G.L. c. 25A, Operation Services Division's Training Coordinator Richelle Waterman covering the latest statewide contract opportunities, a new segment on Technology Updates in Procurement featuring contracting specialist Candace Tempesta of the Department of Housing and Community Development reporting on her agency's favorable experiences with on-line bidding for construction contracts conducted pursuant to M.G.L. c. 149. Another new ATU segment, *Special Moments in Procurement,* featured a presentation by Nicole Freedman, Director of Boston Bikes; Heidi Anderson, Esq. of the Metropolitan Area Planning Council (MAPC); and Jessica Robertson, also of MAPC, regarding the challenges in conducting the M.G.L. c. 30B, § 6 RFP process for the region's innovative and highly successful Hubway bicycle-sharing program. The sample RFP document MAPC developed and distributed to ATU attendees contains some excellent examples of bidding and contracting language, which awarding authorities can use for a range of complex procurement matters. This Office appreciates the tremendous assistance we have continued to receive from representatives of other state and local agencies willing to share their time and work-product with MCPPO program attendees.

(Left): Nicole Freedman, Director of "Boston Bikes"

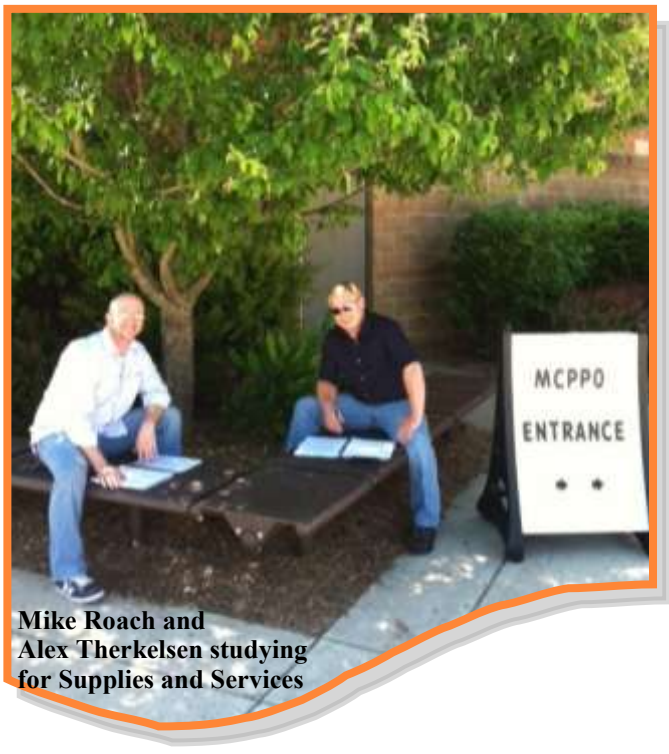
(Middle): Heidi Anderson, Municipal Procurement Services Manager, Metropolitan Area Planning Council

(Right): Jessica Robertson, Transportation Coordinator, Metropolitan Area Planning Council

MCPPO ON THE ROAD

The MCPPO program has spread across the Commonwealth in recent months, both in-person and via videoconferencing. Gateway Regional High School in Huntington has continued to host various MCPPO classes via videoconference. In addition, a June edition of the *Supplies and Services Contracting* seminar included, for the first time, live presentations by OIG staff in Huntington accompanied by OIG staff facilitating discussions with the attendees present at the MCPPO classroom in Boston. During the first week of August, a previously snowed-out *Design and Construction Contracting* class was held at the Barnstable County courthouse complex. Scenes from both classes are shown here, including attendees Mike Roach and Alex Therkelsen preparing for their *Supplies and Services* test in the sunshine of Huntington. This Office wants to express its deep appreciation for all of the technical personnel and off-site hosts who have enabled us to conduct classes electronically and in person around the Commonwealth in recent months.

Barnstable Seminar Site



Mike Roach and Alex Therkelsen studying for Supplies and Services

Classroom in Barnstable

Creating A Procurement Office

July 17—18, 2013 ~ Boston, MA

"Loved this class — I was energized by the knowledge and information. I got so many helpful hints to improve my performance with the town!"

—CPO Class Participant

Panelists David Geanakakis and Sarah Stanton listen as Mary Delaney leads a class discussion.

"Awesome class! You guys did a GREAT job! Thank you so much for all the hours and energy put into creating this class. I for one appreciate the info and wealth of knowledge just pouring out of your comedic experiences, and the serious ones as well! I would actually take [the class] again!!"

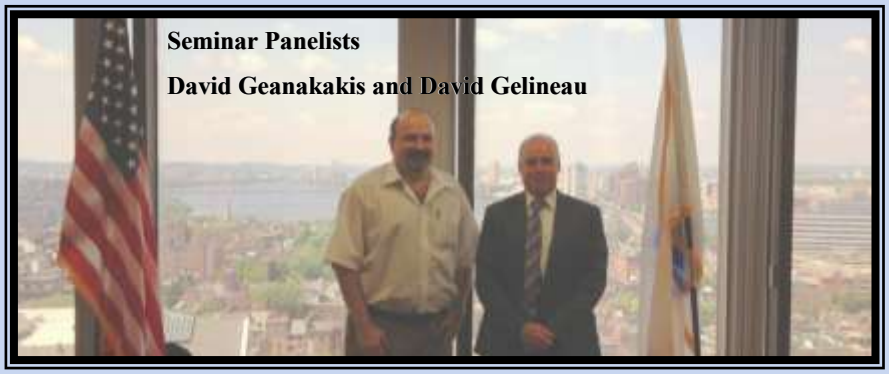
—CPO Class Participant

"No Person Can Do This Job ALONE!" Class Segment

Students in the classroom

"As always, [instructors and panelists] make the class fun, informative and keep it moving. Good addition to your class offerings."

—CPO Class Participant



Seminar Panelists David Geanakakis and David Gelineau

Panelists and MAPPO Presidents David Geanakakis & Mary Delaney

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

The Massachusetts Certified Public Purchasing Official (MCPPO) program
www.mass.gov/ig

MCPPO
Excellence in Public Procurement®

NEW

Creating A Procurement Office

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

This two-day course is designed to provide insight in creating a procurement office. The course will cover procurement policies and procedures, contract administration, legal requirements and other important factors for creating a successful procurement office within local governmental entities, districts, and authorities.

Course dates:

October 2 & 3, 2013
Boston, MA

& via Videoconference at
Gateway RSD
Huntington, MA

December 3 & 4, 2013
Boston, MA

Topics include:

- Advantages and challenges of centralized and decentralized procurement systems
- Working on consistent application of bidding policies across department lines
- Working with elected officials on legal compliance initiatives
- Developing standardized documents to facilitate bidding procedures
- Developing professional collaborations with other procurement officials and multiple jurisdictions
- Sources of education and advice on legal requirements and best practices
- Recent developments bringing procurement practices into the 21st century
- Working with state administrative and investigatory agencies
- Contracting terms and conditions for better results
- Developing a plan of succession for procurement offices
- Dealing with difficult vendors
- Incorporating recent developments and changes in the Commonwealth's procurement laws into contracting practices
- Making responsibility determinations
- Managing procurement files and contracting records in the electronic age
- ...AND MORE

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 of 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.

This course qualifies for 14 continuing professional education (CPE) credits and 14 professional development points (PDP).

To register, please visit our website www.mass.gov/ig. If you need additional information, please contact Joyce McEntee Emmett, Director, at (617) 722-8835 or MA-IGO-Training@MassMail.State.MA.US.

OFFICE OF THE INSPECTOR GENERAL
GLENN A. CUNHA, INSPECTOR GENERAL

The Massachusetts Certified Public Purchasing Official (MCPPO) Program

www.mass.gov/ig

Local Government Real Property Transactions Under M.G.L. c. 30B

This one-day seminar covers the M.G.L. c. 30B, § 16 request for proposals process for the acquisition and disposition of land and buildings by local governmental bodies. This seminar is geared toward public officials who need to learn about real property transactions. There is no written examination.

Topics covered include:

- state statutes that apply to local government real property transactions
- structuring real property invitations for bids and requests for proposals
- declaring property available for disposition and developing reuse restrictions
- how to determine when you must follow the RFP process
- when to waive advertising requirements
- the difference between a license and a lease agreement
- determining your needs for real property acquisitions
- RFP evaluation criteria
- proposal submission requirements
- RFP advertising requirements
- proposal evaluation methods
- maximizing the benefits of income generating properties
- the legal environment relating to construction work on leased property

Course Dates:

October 1, 2013
Boston, MA

One Ashburton Place, Rm. 1306
Boston, MA 02108

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.

This course provides 7 continuing professional education (CPE) points and 7 professional development points (PDP).

For additional dates open for registration, visit our website at www.mass.gov/ig. To register, call Joyce McEntee Emmett, Director, at (617) 722-8835 or at MA-IGO-Training@MassMail.State.MA.US.

MASSACHUSETTS CERTIFIED PUBLIC PURCHASING OFFICIAL PROGRAM

REGISTRATION FORM July- December 2013

Office of the Inspector General

Glenn A. Cunha, Inspector General

MA-IGO-Training@MassMail.State.MA.US Fax: (617) 523-6266

Please complete below and indicate seminar selection on the right;

NAME:_____TITLE_____

PHONE: _____FAX_____E-MAIL_____

ORGANIZATION/
JURISDICTION:_____

ADDRESS:_____

CITY: _____ STATE: _____ZIP CODE:_____

Do you need special accommodations?

_____

Payment Method : ☐CHECK/M.O. ☐ PURCHASE ORDER # ☐IE/ITA

POLICY OF NON-DISCRIMINATION: The Massachusetts Office of the Inspector General does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, age, disability, sexual orientation, political affiliation, or Vietnam-era or disabled veteran status in its employment, admission policies, or in the administration or operation of, or access to, its programs and policies. The Office of the Inspector General does not discriminate on the basis of disability; see Section 504 of the Rehabilitation Act of 1973. Inquiries pertaining to the Office's non-discrimination policy for MCPPO programs may be addressed to Joyce McEntee Emmett, Program Director, at 617-727-9140.

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 of CPE sponsors. State Boards of Accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

The Massachusetts Office of the Inspector General is registered with the Department of Elementary & Secondary Education to award professional development points (PDP).

REGISTRATION INFORMATION:
All seminars will be confirmed based on a minimum of 20 participants.

Please be advised, that as of September 1, 2013, the Office will be reinstating the requirement that all MCPPO Designation Applications include a completed Criminal Offender Record Information (CORI) Request Form.

GOVERNMENT/NON-PROFIT COURSE PRICE:
Government employees shall include all employees of the Commonwealth, employees of the Commonwealth's political subdivisions, employees of other state governments, employees of the federal government and employees of any other municipality, county, or local district. Non-profit employees include any employee of a 501(c)(3) corporation. Proof of non-profit status must be provided with registration.

Register/ Reserve Seating:
Please forward a completed registration form with purchase order via:

Email: MA-IGO-Training@MassMail.State.MA.US
Fax: (617)523-6266
Or mail to: *Office of the Inspector General*
One Ashburton Place, Rm. 1311
Boston, MA 02108
ATTN: MCPPO Program

PLEASE MAKE CHECKS PAYABLE TO: Office of the Inspector General

SUBSTITUTIONS/CANCELLATIONS: Each seminar is limited and filled on a space-available basis. No refunds for cancellations. Registration transfer to someone in your organization is possible with prior notice. The OIG reserves the right to cancel/reschedule any seminar and is not responsible for any costs incurred by registrants. Terms and conditions may change without notice. Alternate course dates may be substituted in the event of an emergency, upon notification.
NO-SHOWS will be invoiced a $100 service charge
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@MassMail.State.MA.US or go to our website at www.mass.gov/ig.

PUBLIC CONTRACTING OVERVIEW
- ☐ Sept. 10, 11, 12, 2013 BOS
- ☐ Sept. 10, 11, 12, 2013 * Hunt
- ☐ Oct. 22, 23, 24, 2013 BOS
- ☐ Oct. 22, 23, 24, 2013* CAPE
- ☐ Nov. 20, 21, 22, 2013 BOS

SUPPLIES & SERVICES CONTRACTING
- ☐ Sept. 18, 19, 20, 2013 BOS
- ☐ Oct. 29, 30, 31, 2013 BOS
- ☐ Oct. 29, 30, 31, 2013* HUNT
- ☐ Dec. 10, 11, 12, 2013 BOS
- ☐ Dec. 10, 11, 12, 2013* CAPE

DESIGN & CONSTRUCTION CONTRACTING
- ☐ Aug. 5, 6, 7, 2013 CAPE
- ☐ Sept. 24, 25, 26, 2013 BOS
- ☐ Sept. 24, 25, 26, 2013* HUNT
- ☐ Nov. 5, 6, 7, 2013 BOS
- ☐ Nov. 5, 6, 7, 2013* CAPE

ADVANCED TOPICS UPDATE
- ☐ Nov. 13, 14, 2013 BOS
- ☐ Nov. 13, 14, 2013* HUNT

CONSTRUCTION MANAGEMENT AT RISK
- ☐ Nov. 19, 2013 BOS

STORY OF A BUILDING
- ☐ Sept. 16, 2013 HAN
- New Venues & Dates TBA

REAL PROPERTY
- ☐ Oct. 1, 2013 BOS

SPOTLIGHT ON SCHOOLS
- ☐ Oct. 8, 2013 BOS
- ☐ Oct. 8, 2013* HUNT

CREATING A PROCUREMENT OFFICE
- ☐ July 17, 18, 2013 BOS
- ☐ Oct. 2, 3, 2013 BOS
- ☐ Dec. 3, 4, 2013 BOS

CERTIFICATION for School Project Designers & OPMs
- ☐ Oct. 9,10 & 16,17, 2013 BOS
- ☐ Nov. 25,26,Dec.5,6, 2013 BOS

RECERTIFICATION for School Project Designers & OPMs
- ☐ Nov. 15, 2013 BOS

DRAFTING A MODEL IFB
- ☐ Self-paced AT YOUR DESK

*Videoconference

Seminar Descriptions

MASSACHUSETTS CERTIFIED PUBLIC PURCHASING OFFICIAL PROGRAM

REGISTRATION FORM July-December 2013

PUBLIC CONTRACTING OVERVIEW — Tuition: $450 for government/non-profit employees; $600 for all others
No Prerequisite

- □ September 10, 11, 12, 2013 — BOSTON
- □ September 10, 11, 12, 2013* — HUNTINGTON
- □ October 22, 23, 24, 2013 — BOSTON
- □ October 22, 23, 24, 2013* — CAPE COD
- □ November 20, 21, 22, 2013 — BOSTON

3-day seminar

SUPPLIES & SERVICES CONTRACTING — Tuition: $450 for government/non-profit employees; $600 for all others
Prerequisite: Public Contracting Overview or Charter School Procurement

- □ September 18, 19, 20, 2013 — BOSTON
- □ October 29, 30, 31, 2013 — BOSTON
- □ October 29, 30, 31, 2013* — HUNTINGTON
- □ December 10, 11, 12, 2013 — BOSTON
- □ December 10, 11, 12, 2013* — CAPE COD

3-day seminar

DESIGN & CONSTRUCTION CONTRACTING — Tuition: $650 for government/non-profit employees; $800 for all others
Prerequisite: Public Contracting Overview or Charter School Procurement

- □ August 5, 6, 7, 2013 — CAPE COD
- □ September 24, 25, 26, 2013 — BOSTON
- □ September 24, 25, 26, 2013* — HUNTINGTON
- □ November 5, 6, 7, 2013 — BOSTON
- □ November 5, 6, 7, 2013* — CAPE COD

3-day seminar

ADVANCED TOPICS UPDATE — Tuition: $300 for government/non-profit employees; $450 for all others

- □ November 13, 14, 2013 — BOSTON
- □ November 13, 14, 2013* — HUNTINGTON

2-day seminar

CONSTRUCTION MANAGEMENT AT RISK — Tuition: $250 for government/non-profit employees; $450 for all others
Under M.G.L. c. 149A: Legal Requirements & Practical Issues
*Introductory material geared to procurement officials who are not construction experts

- □ November 19, 2013 — BOSTON

1-day seminar

STORY OF A BUILDING — ** New ** — Tuition: $125 for all
No Prerequisite

- □ September 16, 2013 — Hanover High School

New Venues & Dates — TBA

1-day seminar

REAL PROPERTY — ** New ** — Tuition: $125 for all
No Prerequisite

- □ October 1, 2013 — BOSTON

1-day seminar

SPOTLIGHT ON SCHOOLS — ** New ** — Tuition: $125 for all
No Prerequisite

- □ October 8, 2013 — BOSTON
- □ October 8, 2013* — HUNTINGTON

1-day seminar

CREATING A PROCUREMENT OFFICE — ** New ** — Tuition: $250 for government/non-profit employees; $450 for all others
No Prerequisite

- □ July 17 & 18, 2013 — BOSTON
- □ October 2 & 3, 2013 — BOSTON
- □ October 2 & 3, 2013* — HUNTINGTON
- □ December 3 & 4, 2013 — BOSTON

2-day seminar

Private Sector Training

CERTIFICATION for School Project Designers & Owner's Project Managers — Tuition: $1200 for private sector

- □ October 9, 10 & 16, 17, 2013 — BOSTON
- □ Nov. 25, 26 & Dec. 5, 6, 2013 — BOSTON

4-Day seminar

Private Sector Training

RECERTIFICATION for School Project Designers & Owner's Project Managers — Tuition: $450 for private sector

- □ November 15, 2013 — BOSTON

1-Day seminar

DRAFTING A MODEL IFB — AT YOUR DESK — Tuition: $75 each for government/non profit employees; $200 for all others

- □ Self-paced

Disk program requiring Microsoft Word 7.0 or higher.
*Registration for this course must be accompanied by a check.

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 and August 15, 2013:*

MCPPO

Scott Alfonse, GNBRRM District
Nanette Balmer, Town of Eastham
Edward F. Bean, City of Somerville
Kathleen Dooley Butters, Town of Canton
Jessica A. Cherry, Norfolk City Sheriff's Office
Donald F. Di Martino, Town of Bellingham
Gary S. Duggan, UMASS Amherst
Michael E. Durkin, UMASS Lowell
Michael R. Eaton, Springfield Public Schools
Gregory S. Enos, Town of Whitman
Melissa J. Falkowski, Central Berkshire RSD
Michael Flaherty, Weymouth Housing Authority
Jeanne M. Foti, Reading Municipal Light Dept.
Adam D. Gaudette, Town of Spencer
Sandra J. Gerraughty, Town of Andover
Dana B. Ham, Cambridge Public Schools
Joel V. Harding, Stoughton Public Schools
Chris A. Hinckley, Wayland Public Schools
Dean J. Iacobucci, S. Worcester City RVSD
John R. Isensee, City of Lawrence
Andrew Lafferty, City of Newburyport
Andrew Loew, Pioneer Valley Planning Comm.
Peter S. Lombardi, City of Newburyport
Deborah Lovell, Revere Housing Authority
John A. MacLeod, Town of Weymouth
Timothy P. McCoy, City of Fall River
AnneMarie McIntyre, Town of Westwood
Michael P. Novick, South Coast Education Collab.
Erin Sullivan Obey, Pembroke Public Schools
John A. Parent, Town of Southborough DPW
Frederick R. Paris, Worcester Housing Authority
Leanne M. Peters, UMASS Lowell
Jennifer A. Pratt, Town of Framingham
Maria Reddington, Town of Belmont
Samuel Rippin, Billerica Public Schools
Susan Roderick, New Bedford Housing Authority
Andrew J. Sheehan, Town of Townsend
Laura J. Torti, Town of Spencer

MCPPO for Supplies & Services

Kathleen L. Plett, Div. of Fisheries & Wildlife
Anthony Soto, Springfield Public Schools

MCPPO for Design & Construction

Daniel H. Baker, Cambridge Housing Authority
Terry Dumas, Cambridge Housing Authority

Associate MCPPO

Richard M. Brown, Town of Freetown
Neile E. Emond, Arlington Public Schools
Susan Inman, Town of Boxford
Barbara A. Mello, Town of Braintree
Steven J. Tyler, Town of Spencer
Ann M. Martin, Fitchburg State University
Natalie M. Sarao, City of Cambridge

Associate MCPPO for Supplies & Services

Kelly M. Merrill, Town of Groton
Tianyi Wang, Springfield Public Schools

Associate MCPPO for Design & Construction

James H. McQueen, City of Boston

SUBSCRIPTION INFORMATION

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