Public Housing Notice 2016-35

To: LHA Executive Directors
From: Amy Stitely, Acting Associate Director, Division of Public Housing & Rental Assistance
Subject: Changes to Procurement Laws and DHCD Policies
Date: November 8, 2016

With this Public Housing Notice, DHCD is alerting all Local Housing Authorities (LHAs) that on November 7, 2016, Chapter 218, “An Act Modernizing Municipal Finance and Government” became effective.

What does this mean for LHAs?
- Massachusetts’ Bid Laws, Ch. 30B, Ch. 149, Ch. 30§39M have all changed.
- Changes affect the following:
  - Advertising Requirements
  - Bid Amount Thresholds
  - Bidding Procedures

DHCD policy changes effective as of today:
- To match statutory change, DHCD is increasing the ‘small project’ threshold for independent management by LHAs/Regional Capital Assistance Teams from $25,000 to $50,000. DHCD will continue to be directly involved in reviewing and managing a small number of ‘complex’ projects within this cost range and will identify those projects when the project is approved for implementation.

- This change will be implemented starting with projects approved with December FYE CIPs and CIP revisions approved as of January, 2017. Projects which currently have FISH #s assigned are to move forward under the guidelines that existed at the time the FISH # was assigned.
Revised DHCD Front Ends will be required for all projects which have not yet completed the 95%/100% construction document submittals. The DHCD Front End Forms may be found at: http://www.mass.gov/hed/housing/ph-mod/forms/.

Guidance on Changes

The attached DHCD procurement chart highlights the new bid law changes. Note: In a limited number of instances DHCD has continued to impose bidding requirements that are more restrictive than the statutes. These DHCD requirements are shown in bold lettering on the attached chart.

The Inspector General (IG) charts for public procurement procedures may be found here: http://www.mass.gov/ig/publications/guides-advisories-other-publications/procurement-charts-november-7-2016.pdf. Please again note that DHCD requirements differ slightly from the IG Charts.

DHCD Website to Be Updated in November and December

DHCD will be revising and reissuing the following Guides to reflect statutory and policy changes:

- Small Project Guide,
- RCAT Program Guidelines, and
- Massachusetts State-Aided Public Housing Preservation and Modernization Program Guidelines.

If you have procurement questions, please contact Dean Harris at 617-573-1177. If you have questions about project implementation, please contact your DHCD Project Manager.