



M.G.L. c.149 - BUILDING CONSTRUCTION CONTRACTS WITH LABOR

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000 to \$150,000	Over \$150,000	Over \$10,000,000
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2).	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. Solicitation is in addition to the advertising requirements below.	Sealed bids (using M.G.L. c. 30, § 39M).	Sealed bids (using M.G.L. c. 149, §§ 44A – 44J).	Solicit statements of qualifications prior to soliciting sealed bids (using M.G.L. c. 149, §§ 44A – 44J).
Notice/Advertisement Requirements	None.	Post a notice at least two weeks before responses are due on: 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office.	Post a notice: 1) in your jurisdiction's office for at least one week before bids are due; and at least two weeks before bids are due, publish: 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS.	Post a notice: 1) in your jurisdiction's office for at least one week before bids are due; and at least two weeks before bids are due, publish: 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS.	Advertise the request for qualifications at least two weeks before responses are due 1) in a newspaper; 2) in the <i>Central Register</i> ; and 3) on COMMBUYS.
DCAMM Certification	No.	No.	Yes if contract is > \$100,000. This is a DHCD requirement.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.
OSHA Training	No.	Yes.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Optional.	Yes.
Filed Sub-bids	No.	No.	No.	Yes, if more than \$25,000.	Yes, if more than \$25,000.
Bid Deposit	No.	No.	5% of the value of the total bid.	5% of the value of the total bid or sub-bid.	5% of the value of the total bid or sub-bid.
Payment Bond	No.	100% payment bond if the contract is >\$25,000. This is a DHCD requirement.	100% payment bond. This is a DHCD requirement.	100% payment bond.	100% payment bond.
Performance Bond	No.	100% performance bond if contract is > \$25,000 This is a DHCD requirement.	100% performance bond. This is a DHCD requirement	100% performance bond.	100% performance bond.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.	Yes.
Contractor Evaluation	No.	No.	No.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.	No.


M.G.L. c.30 §39M – NON-BUILDING CONSTRUCTION CONTRACTS WITH LABOR

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
	M.G.L. c. 30 §39M	M.G.L. c. 30 §39M	M.G.L. c. 30 §39M
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, §2).	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. Solicitation is in addition to the advertising requirements below.	Sealed bids.
Notice/Advertisement Requirements	None.	Post a notice at least two weeks before responses are due on: 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office.	Post a notice: 1) in your jurisdiction's office for at least one week before bids are due; and at least two weeks before bids are due, publish: 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS.
OSHA Training	No.	Yes.	Yes.
Prequalification	No.	No.	Maybe.
Bid Deposit	No.	No.	5% of the value of the total bid.
Payment Bond	No.	100% payment bond if contract is >\$25,000. This is a DHCD requirement.	100% payment bond. This is a DHCD requirement.
Performance Bond	No.	100% performance bond if contract is > \$25,000. This is a DHCD requirement.	100% performance bond. This is a DHCD requirement.
Prevailing Wage	Yes.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.


M.G.L. c.30 § 39M, or M.G.L. c.30B § 5 – CONSTRUCTION MATERIALS PROCUREMENTS WITHOUT LABOR

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000	Any Amount
	M.G.L. c 30 §39M	M.G.L. c.30 §39M	M.G.L. c.30 §39M	M.G.L. c.30B §5 Option
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2).	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids.	Sealed bids.
Notice/ Advertisement Requirements	None.	Post a notice at least two weeks before responses are due on: 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office.	Post a notice: 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish: 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS.	Post a notice at least two weeks before bids are due: 1) in your jurisdiction's office; and publish: 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> .
OSHA Training	No.	No.	No.	No.
Prequalification	No.	No.	No.	No.
Bid Deposit	No.	No.	5% of the value of the total bid.	No.
Payment Bond	No.	100% payment bond if contract is >\$25,000. This is a DHCD requirement.	100% payment bond. This is a DHCD requirement.	100% payment bond if contract is >\$25,000. This is a DHCD requirement.
Performance Bond	No.	No.	No.	No.
Prevailing Wage	No.	No.	No.	No.
OSD Option	Yes.	Yes.	Yes.	No.
Blanket Contract Option	Yes.	Yes.	No.	No.


M.G.L. c.7C, §§44-57 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS

Estimated Construction Cost (ECC)/Estimated Design Fee (EDF)	ECC \$100,000 or less or EDF less than \$10,000	ECC more than \$100,000 <u>and</u> EDF \$10,000 or more (both ECC <u>and</u> EDF thresholds must be met before the designer selection procedure is required).*
Procurement Procedure	None. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit.
Advertising Required	No.	Advertise in the <i>Central Register</i> and your local newspaper at least two weeks before the deadline for filing applications.
Designer Selection Board	No.	DHCD typically uses Work Orders to procure House Doctors for projects with ECC between \$50k-\$500k & Advertises a Request for Services (RFS) to procure services on projects over \$500k.
Designer Application	No.	Use "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)"
Designer Evaluation (Submit to DCAMM and Designer Selection Board)	No.	Yes. See http://www.mass.gov/anf/property-mgmt-and-construction/design-and-construction-of-public-bldgs/designer-selection-process/designer-selection-proc-and-evals-for-municipalities/dsgnr-eval-frms-and-info-for-municips-and-pub-agencies.html
Registration	Yes.	Yes.
Insurance	No.	10% of the total cost of the project or \$1 million, whichever is less.
Prevailing Wage	No.	No.


M.G.L. c.30B – PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
Procurement Procedure	Sound business practices. ¹	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service.	Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
Notice/Advertising Requirements	None.	None.	Post a notice: 1) in your jurisdiction's office, and, at least two weeks before bids or proposals are due, and publish: 2) in a newspaper, and 3) on COMMBUYS. If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> .
Award contract to:	Responsible person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price quotation.	Under § 5, the responsible and responsive bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
Written Contract Required	No. Keep written records as a best practice.	Yes.	Yes.
Maximum Contract Term	Three years, unless majority vote authorizes longer.		
OSD Option	Yes.		