



## **TOWN OF BOXBOROUGH PROCUREMENT POLICY AND PROCEDURES**

### **1.0 Objective**

The Chief Procurement Officer (CPO) implements and administers the purchasing policies and procedures of the Town and ensures that all purchases are made in accordance with Massachusetts State Law and Town bylaws, that they are open, fair and competitive, and that low cost and high quality standards are met.

Additionally, the CPO monitors departmental procurement practices and facilitates contract administration to ensure compliance with applicable laws governing procurement of municipal supplies, services, equipment, and capital improvements involving public works, building construction and design services. The CPO or his/her designee have the authority to review, evaluate and deny any requested purchase should it not comply with Massachusetts General Laws or with any established policy or procedure.

### **2.0 Definitions**

“Chief Procurement Officer”- Appointed by the Select Board, pursuant to MGL Ch. 30B and MGL Ch. 41, §103.

“Town Administrator”- Chief Operating Officer, appointed pursuant to MGL C.41, §23A, which provides that she/he “shall act by and for the Select Board in any matter which they may assign to her/him relating to the administration of the affairs of the town or of any town office or department under their supervision and control”.

“Department Heads” – DPW Director, Fire Chief, Police Chief

### **3.0 Procurement Procedure**

All Town departments, are subject to state procurement laws, including but not limited to MGL 30B, 7C, 30/39M and 149, and are responsible for meeting all requirements. Departments must follow all procurement policies and procedures as established by the Select Board. A Request for Proposals issued by any Town department must receive the prior approval of the CPO pursuant to G.L. c. 30B, § 6. The CPO is available to provide guidance and procurement assistance to all Town Departments, in the development and solicitation of public bids and proposals through quotes, the Invitation for Bid (IFB) process and Request for Proposal (RFP) process for the procurement of goods and services, contract administration and monitoring of invoices which follow the contract award. All employees other than those under the direction of the DPW Director, Police Chief or Fire Chief shall work through the CPO when conducting procurements. All draft IFB’s and RFP’s must be submitted to the CPO for review and approval before issuance. Because the Library Board of Trustees has independent procurement authority under the general laws, all procurements for the Library are the responsibility of the Library Director.

It is important that all Town employees understand that strict compliance with all aspects of the public bidding laws is mandatory. The Town is precluded from making any payment to a vendor for goods or services that were procured in violation of the bidding laws.

### **4.0 Training Requirements**

**4.1** In order to ensure that Departments are prepared to engage in the procurement process, all Department Heads and the Inspector of Buildings, or their designee(s), shall participate in procurement training conducted by the Massachusetts Office of the Inspector General, through its Massachusetts Certified Public Purchasing Official program. This training shall include:

- a free, online instructional video entitled “Overview of Chapter 30B — The Uniform Procurement Act,” which is available on YouTube (all)
- Public Contracting Overview Seminar (all)
- Supplies and Services Contracting Seminar (Chiefs and DPW Director)
- Design and Construction Contracting Seminar (DPW Director and Inspector of Buildings)

**4.2** All Department Heads, or their designee(s) shall participate in training provided by the Operational Services Division on Statewide Contracts and COMMBUYS.

## **5.0 Overview of Procurement Laws**

The supply or service, and its application within the Town, shall determine the legal requirements that must be met in order for the procurement to be compliant with applicable purchasing laws. Departments must evaluate the procurement need and then follow the applicable procedures.

**A majority of purchases will fall into one of the first three categories:**

### **5.1 Procurement of Supplies and Services: MGL c. 30B**

Unless expressly exempt from public bidding under MGL c. 30B, §1, the purchase of any supplies or services by the Town requires compliance with the procurement procedures contained in MGL c. 30B.

### **5.2 Public Works Construction: MGL c.30, 39M**

Procurement of a contractor for the construction, reconstruction, installation, demolition, maintenance or repair of a public work requires public bidding. A public works construction project is generally considered any “horizontal construction” activity that involves any land disturbance, but excluding the construction of a building.

Public Works Construction includes buildings which serve the sole function of housing pumps and related equipment for water or sewer service and are subject to Chapter 30, Section 39M rather than Chapter 149.

### **5.3 Public Building Construction: MGL c.149, §44A to 44M**

Procurement of a contractor for the construction, reconstruction, installation, demolition, maintenance or repair of a building by a public agency is subject to the Filed Sub-Bid Law, MGL c. 149, §44A to 44M. This work is generally defined as “vertical construction”.

There has been much discussion about what defines a “building”, and case law has interpreted it to be any “structure with walls and a roof”. Any time you are physically making a change to a structural component of a building is considered a building contract.

### **5.4 Procurement of Design Services: MGL c. 7C, §§44-57.**

Procurement of design services (Architect/Engineer, etc.) in connection with a public building project is subject to the Designer Selection Law. Design services in connection with a public works construction project are exempt from all bidding requirements as long as the Town hires a designer that fits the definition contained in MGL c. 30B, §2.

## **6.0 Bidding Procedures Applicable to Each Type of Procurement**

### **6.1 Procurement of Goods and Services – MGL c. 30B, §1**

Departments shall comply with state procurement laws and Town policies, and are responsible for meeting all requirements. Although there are some types of procurements that are exempt from public bidding under MGL c. 30B, §1, Departments shall confirm the potential exemption with the CPO.

Once the need for the procurement has been identified and the nature of the goods and services determined, the applicable procurement must be followed.

#### **Bidding Thresholds**

##### **6.1.1 Procurements estimated to cost less than \$10,000**

Procurement of supplies and services estimated to cost less than \$10,000 must be conducted using sound business practice. MGL c.30B, §2 defines sound business practice to mean “ensuring the receipt of a favorable price by periodically soliciting price lists or quotes”; the law also states that you should ensure that you receive the needed quality of supplies or services at a reasonable price.

Sound reasoning could also consist of consideration of quality, experience, or qualifications of vendor providing a service, availability, proximity of service, etc. Therefore, for procurements of goods and services costing less than \$10,000, departments must periodically check price lists from competing vendors and purchase goods and services at the lowest available price. The solicitation of quotes when possible is encouraged even for procurements of less than \$10,000.

##### **6.1.2 Procurements estimated to cost \$10,000 but not more than \$50,000**

Procurement of supplies and services estimated to cost at least \$10,000 but not more than \$50,000 requires the solicitation of at least three (3) quotes from potential vendors based upon a written purchase description. The contract must be awarded to the lowest quote that meets all requirements in the purchase description.

A copy of the written purchase description, a detailed record with the date requested and the names/addresses of vendors from whom quotes were solicited, and the written solicited quotes must be provided to the CPO prior to the development of a contract. The purchase description and quotes will be kept in the procurement file maintained by the CPO.

##### **6.1.3 Procurements estimated to cost greater than \$50,000**

An “Invitation for Bid” (IFB) or a “Request for Proposals” (RFP) is required to promote participation and competition for all procurements estimated to cost greater than \$50,000. An IFB should be used for goods and services where award to the lowest responsive and responsible bidder. In situations when factors other than price should be considered, an RFP should be used to award a proposal based upon comparative evaluation criteria before considering price. All draft IFB’s and RFP’s must be submitted to the CPO for review and approval before issuance. Procurements made under this category are required to have a notice placed in a local newspaper, listed on COMMBUYS, and posted at the Town Hall at least two weeks prior to the due date.

#### **6.1.4 Procurements estimated to cost \$100,000 or more**

In addition to the requirements above, notice of a solicitation which is estimated to cost \$100,000 or more must also be published in the Commonwealth's "Goods and Services Bulletin".

#### **6.1.5 Surplus Supplies**

The Disposition of Town Property bylaw allows a board or officer having charge of personal property or materials belonging to the Town with a resale or salvage value less than \$10,000 to dispose of said property, applying best practices for disposition or disposal. If the value exceeds \$10,000, the Select Board must authorize the disposition. For those items with a resale or salvage amount greater than \$10,000, either a sealed bid or public auction process must be used in accordance with the requirements of G.L. c. 30B, §15. The Department, in coordination with the CPO, may partner with auction professionals, use online resources, or any other such resource to secure the best return possible, so long as the process complies with Chapter 30B.

#### **6.1.6 Sole-Source Procurement**

A sole-source procurement is one that is conducted without advertising or competition. Any Department who believes it has a sole-source purchase must conduct a reasonable investigation to determine that there is only one practicable source for the supply or service and must submit documentation supporting that determination to the CPO, who will verify that a sole-source procurement is advisable prior to any offer being extended. Documentation of the investigation to determine the need for the sole-source procurement must be provided to the CPO prior to the development of a contract or approval of a Purchase Order.

Sole-source procurements may not be made for any purchase that exceeds \$25,000 pursuant to G.L. c. 30B, §7. The only exception to this is for the procurement of software maintenance, library books, educational materials or utilities.

#### **6.1.7 Collective and Collaborative Purchasing Opportunities**

Certain types of collective purchases are allowed under Chapter 30B. The contracts resulting from these contracts comply with Chapter 30B and may be used without following a local quote or bid process. A description of approved alternative contracts follows:

**COMMBUYS** - The Commonwealth's Operation Services Division (OSD) procures and awards a number of statewide contracts that are available to municipalities. Departments who wish to procure an item or services from an OSD contract may request to be identified as a user on COMMBUYS, OSD's purchasing portal. Once approved, the COMMBUYS user will have full access to all COMMBUYS contracts and will have the ability to purchase directly through the COMMBUYS portal.

COMMBUYS users shall review the Contract User Guide for the purchase they are attempting to make, and shall comply with all terms of use for said contract. Although listed on CommBuys, some contracts may require the solicitation of multiple quotes. It is important to familiarize yourself with the terms of the particular contract. Also, not all contractors listed on COMMBUYS are included on a State Contract.

Contract information, training resources, and buyer information may be found at [www.commbuys.com](http://www.commbuys.com).

**MHEC** – The Massachusetts Higher Education Consortium (MHEC) is a group purchasing consortium with contracts available to municipalities. Departments who wish to procure items or services from the MHEC contract may do so using the requisition process, indicating the MHEC contract number. The CPO will verify eligibility under the MHEC contract, convert to a purchase order, and authorize placement of the Department’s order.

Contract lists may be accessed from [www.mhec.net](http://www.mhec.net).

**MAPC** – The Metropolitan Area Planning Council (MAPC) has several contracts available to municipalities. Departments who wish to procure items or services from MAPC contracts may do so, indicating the title of the MAPC contract. The CPO will verify eligibility under the MAPC contract, convert to a purchase order, and authorize placement of the Department’s order.

Contract information and buyer information is located at [www.mapc.org/collective-procurement](http://www.mapc.org/collective-procurement).

**Plymouth County Commissioners** – This cooperative contract offers public service and municipal vehicles with equipment options. Procurement from this contract requires membership with the Plymouth County Commissioners. If applicable, Departments wishing to procure items from this contract may do so, indicating the need for a procurement under the contract. The CPO will verify eligibility under the Plymouth County Commissioners contract, convert to a purchase order, and authorize placement of the Department’s order.

Additional information may be found at [www.plymouthcounty-ma.gov](http://www.plymouthcounty-ma.gov).

**GSA** – Government Services Agency contracts are limited in variety, but cover items associated with Homeland Security, telecommunications, and disaster response. Departments who wish to procure from GSA contracts may do so, indicating the title of the GSA contract. The CPO will verify eligibility under the GSA contract, convert to a purchase order, and authorize placement of the Department’s order.

Contract information and buyer information may be found at <http://www.gsa.gov/portal/content/105300>.

**Houston Galveston Cooperative (H-GAC)** – The H-GAC program has many items available, geared mainly towards public safety. Departments who wish to procure items or services from the H-GAC program may do so, indicating the item and the corresponding contract. The CPO will verify eligibility under the H-GAC contract, convert to a purchase order, and authorize placement of the Department’s order.

Go to [www.hgacbuy.org](http://www.hgacbuy.org) for additional information.

**Other Cooperative and Collaborative Contracts** – From time to time, there may be other opportunities which become available. Should any department become aware of a cooperative or collaborative they are interested in doing business with, the information must be provided to the CPO for a determination of eligibility and approval.

## **6.2 Chapter 30, §39M (Public Works Construction with Labor and Construction Materials without Labor)**

- Procurement of supplies and services that involve the construction, reconstruction, installation, demolition, maintenance or repair of a public work by a contractor.
- IFB (Invitation for Bid) procedures are required for services or services with supplies over \$50,000.

- Contracts for public works services that involve the hiring of a dump truck or other vehicle in the performance of a public works or horizontal or vertical construction require the contractor to pay prevailing wage to their employees. The Town must provide the prevailing wage rates with the bid solicitation and must monitor compliance with the Prevailing Wage Law.
- Contact the CPO for assistance in obtaining prevailing wage rates.
- Contracts for public works supplies do not require a contractor to pay prevailing wages.

## **Bidding Thresholds**

### **6.2.1 Procurements estimated to cost less than \$10,000**

Procurement of public works construction estimated to cost less than \$10,000 must be conducted using “sound business practices”, which is defined as checking price lists, seeking quotes, or conducting market research to ensure competitive pricing is received. Sound reasoning may also consist of consideration of quality, experience, or qualifications of a contractor. Soliciting quotes is encouraged even when the potential purchase is less than \$10,000.

Contracts under this section that include labor are subject to the Prevailing Wage Law. There is no minimum requirement; i.e., prevailing wage is applicable at any amount.

### **6.2.2 Procurements estimated to cost \$10,000 to \$50,000**

Procurements of public works construction contracts estimated to cost between \$10,000 and \$50,000 require the solicitation of at least three (3) written quotes from potential contractors. Quote requests must be in written form and well-communicated to each vendor. Documentation of quotes solicited, a copy of the written purchase description, and the written quotes received must be provided to the CPO prior to the development of a contract.

Notice of procurements under this category must be posted on the Town’s website, in COMMBUYS, in the Central Register, and posted at Town Hall at least two weeks before the responses are due. Contractors are required to have OSHA (Occupational Safety and Health Administration) training and Prevailing Wages are also required.

A fifty percent (50%) payment bond is required if contract exceeds \$25,000.

\*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD (Operation Services Division), or a Blanket Contract procured by the Town.

### **6.2.3 Procurements estimated to cost \$50,000 or more**

The procurement of Public Works supplies and services costing \$50,000 or more will require a formal Invitation to Bid (IFB) process. The CPO should be contacted to initiate an “Invitation to Bid” (IFB) or “Request for Proposal” (RFP) to promote public invitation from vendors or contractors. It is the responsibility of each department to supply the CPO with complete specifications for the supply or service they are requesting.

Legal notices must be published once in a newspaper at least two weeks before the public bid or proposal deadline in COMMBUYS, and in the Central Register. A legal notice must also be posted at

Town Hall at least one week before bids or proposals are due.

Contractors are required to have OSHA (Occupational Safety and Health Administration) training and Prevailing Wages are also required. The contractor must provide a fifty percent (50%) payment bond as well as a bid deposit in the amount of five percent (5%) of total value of bid.

MASSDOT (Massachusetts Department of Transportation) Prequalification

Although there is no prequalification process under c 30 §39m, prequalification of bidders by MASSDOT is required for contracts of \$50,000 or more if the Town is utilizing Ch. 90 funds to either partially or fully finance the project.

The contract must be awarded to the lowest responsible and eligible bidder. Therefore, it is important that any IFB include minimum criteria in order to evaluate whether the bidder is responsive.

### **6.3 Chapter 149 (Building Construction)**

- Procurement of supplies and services that involve construction, reconstruction, installation, demolition, maintenance or repair of a building by a contractor.
- IFB (Invitation for Bid) procedures are required for services and supplies over \$50,000
- Contracts for construction services require the contractor to pay prevailing wage to their employees. The Town must provide the prevailing wage rates with the bid solicitation. See above.

#### **Bidding Thresholds**

##### **6.3.1 Procurements estimated to cost less than \$10,000**

Procurement of public building construction estimated to cost less than \$10,000 must be conducted using sound business practices which is defined as checking pricing, seeking quotes, or conducting market research to ensure competitive pricing is received. Sound reasoning may also consist of consideration of quality, experience, or qualifications of a contractor. Soliciting quotes is encouraged even when the potential purchase is less than \$10,000.

\*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD (Operation Services Division), or a Blanket Contract procured by the Town.

Contracts under this section that include labor are subject to the Prevailing Wage Law. There is no minimum requirement; i.e., prevailing wage is applicable at any amount.

##### **6.3.2 Procurements estimated to cost between \$10,000 and \$50,000**

Procurements of building contracts estimated to cost between \$10,000 and \$50,000 require the development of a written purchase description. Using the written purchase description, solicitation of at least three (3) quotes from potential contractors must be sought. The written purchase description and documented quotes must be submitted to the CPO prior to the development of a contract.

Notice of procurements made under this section must be posted on the Town's website, in COMMBUYS, in the Central Register, and posted at Town Hall two weeks before responses are due.

\*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD (Operation Services Division), or a Blanket Contract procured by the Town.

The contractor must have OSHA (Occupational Safety and Health Administration) training and labor is subject to Prevailing Wages.

In addition, a payment bond of fifty percent (50%) of the total contract price is required for contracts of at least \$25,000.

### **6.3.3 Procurements estimated to cost between \$50,000 and \$150,000**

Procurement of public building contracts estimated to cost between \$50,000 and \$150,000 requires a sealed bid process (IFB).

Notice of procurements made under this section must be placed in the newspaper, in COMMBUYS and in the Central Register at least two weeks before bids are due, and posted at Town Hall one week before bids are due.

The contractor must have OSHA (Occupational Safety and Health Administration) training and labor is subject to Prevailing Wages.

A fifty percent (50%) payment bond is due and bid deposit of five percent (5%) of total value of bid is required.

### **6.3.4 Procurements estimated to cost \$150,000 or more**

In addition to the requirements above, a solicitation in which the cost is expected to exceed \$150,000 must also include a requirement of DCAMM (Division of Capital Asset Management and Maintenance) certification for the general contractor and any sub-contractors. A payment bond of one hundred percent (100%), a performance bond of one hundred percent (100%) and a DCAMM evaluation for all contractors is also required.

Filed sub-bids are required for any trade within the construction contract where the estimated cost will be \$25,000 or more.

For building contracts costing over \$150,000 there is also a mandatory DCAMM evaluation process.

### **6.3.5 Procurements estimated to cost \$10 million or more**

In addition to the requirements above, a solicitation in which the estimated cost exceeds \$10 million must also include a prequalification procedure for both the general contractors and sub-bidders. This process is required before the actual bidding process can take place; the bidding process is then restricted to only those who have been approved in the pre-qualification process.

\*COMMBUYS – As a result of the Municipal Modernization Act, OSD procures and awards a number of statewide contracts that are available to municipalities for construction projects under \$50,000. Departments who wish to procure an item or services from an OSD contract should discuss this with the CPO.

## 6.4 Chapter 7C §44-57 (Design Services)

### Bidding Thresholds

#### 6.4.1 Estimated construction cost of less than \$100,000 or estimated design fees less than \$10,000

There is no formal procurement procedure for a design for which the estimated construction cost will be less than \$100,000 or the design fee will not cost more than \$10,000; however, it is recommended that prices and qualifications be submitted from at least three design firms.

#### 6.4.2 Estimated construction cost of more than \$100,000 or estimated design fee more than \$10,000

Design projects where the estimated construction cost will be more than \$100,000 and the design fee will cost more than \$10,000 are subject to a qualifications-based process.

This type of procurement is a quality based selection process in that the Town ranks the proposals based on qualifications. Fee proposals are not submitted until the Town evaluates and ranks each of the proposals based on the criteria in the RFQ. The Town may, but is not required to, either set a design fee or set a not-to-exceed fee limit and negotiate with the top-ranked designer within the fee limit. The CPO will work with the requesting department/committee on establishment of the fee or fee limit.

Notice of procurement made under this section must be posted in the Central Register and in a newspaper with local circulation at least two weeks before the deadline for filing applications.

Insurance of ten percent (10%) of the total project cost or \$1 Million, whichever is less, is required.

The Town has a standard contract for design services which should be included as an attachment in all RFQ's for design services.

Contracts with licensed engineers to design public works construction contracts are not subject to designer selection.

## 7.0 Responsibility for Solicitations and Contracts

For all competitive procurements (quotations, bids, proposals), the CPO and the initiating Department will work cooperatively to prepare the formal solicitation. The following section describes the procedures to be used, and the responsibilities of the initiating Department with respect to preparing, issuing, receiving, awarding and administering the solicitation and subsequent contract.

It should be noted that it is the Department's responsibility to contact the CPO 90 days prior to the end of the contract if there is a need to re-bid the contract.

### 7.1 Department Responsibilities

#### 7.1.1 Product Descriptions (for Goods)

For supplies, the Department should provide sufficient written detail for vendors to provide what is requested.

Details could include information such as size, capacity, dimensions, weight, performance rating, and type of guarantee/warranty. Keep in mind that if your written description is vague or incomplete, the item you receive may not be the quality or value you expect.

#### **7.1.2 Scope of Services (for Services)**

The Department should provide a scope which includes a detailed written description of the service or task to be performed. Details should include what the work entails, what talents or qualifications are required of the person(s) doing the work, and what is needed to accomplish the work. (e.g., a person to mow the lawn using a riding mower at a consistent cutting height of 2.5 inches.)

#### **7.1.3 Scope of Services (for Construction)**

Typically, construction projects are complex and require intricate details that can only be provided from an architect or engineer. Often, drawings are necessary to accompany the specifications in order for the contractor to be clear on the work to be performed.

The Department must provide, for both vertical and horizontal construction, a highly-detailed description of the construction project. Not only should the scope include the specific materials and standards required, it should include the qualifications required of the contractor. Qualifications requirements should indicate how many years' experience the contracting firm should have, what types of projects the contractor should have worked on to make them qualified to perform the work, and any certifications that should be retained either by the firm or individuals performing the work.

#### **7.1.4 Request for Proposal Justification (available for 30B contracts only)**

If the Department believes that a Request for Proposal (RFP) will best suits their needs, rather than an Invitation for Bid (IFB), the Department shall provide the CPO with written documentation describing the specific reasons why an RFP process is more beneficial than an IFB process.

#### **7.1.5 Prevailing Wage Rates**

For all solicitations that include labor, the Department shall request and provide a Prevailing Wage rate sheet from DLS (the Massachusetts Department of Labor Standards) for the solicitation. This is a statutory requirement for contractors performing work on any public construction project, student transportation, some office and furniture moving, and public works transportation.

#### **7.1.6 Contract Schedule**

The Department should provide a basic timeline of need and/or implementation. Where applicable, the desired length of contract should be provided as well. If there are any other terms or conditions not included in the Town's basic terms, the requestor should also provide those terms and conditions. For any contract which may go beyond initial five year period, the requesting department shall request that the Select Board seek authorization from Town Meeting for a longer-term contract in accordance with the Town's Bid Bylaw. When calculating the term of a contract all renewals, extensions, and options must be included in the calculation.

#### **7.1.7 Estimated Value**

Since procurement laws are based upon dollar value thresholds, the Department will provide an estimate in order for the CPO to determine the appropriate procedure.

### **7.1.8 Communication with Vendors or Contractors**

The requesting Department is required to provide contact/email information for vendors/contractors who may be interested in the solicitation. The CPO will reach out to these parties, usually via email to coordinate the completion of the contractual documentation.

The CPO will communicate with the Department Head regarding questions or comments on the technical specifications. If necessary, an addendum will be prepared and issued to anyone who has registered to receive the solicitation. Please note: All questions, concerns, and comments on the solicitation must be submitted in writing to the CPO, or individual so designated by the CPO in the solicitation. Departments must instruct all parties to communicate only with the individual so designated regarding an IFB or RFP.

It is imperative that information be provided consistently to all on record of having received the solicitation. This is accomplished by way of an addendum.

### **7.1.9 Receipt of Quotations, Bids, and Proposals**

Unless permission is otherwise granted prior to the solicitation, all quotations, bids, and proposals are to be sent to/collected at the address of the CPO.

### **7.1.10 Review and Recommendation for Award**

Unless agreed upon prior to the bid opening, the CPO shall review the submitted bids and determine if the bidder is responsible. The Department Head or the Inspector of Buildings as appropriate, and the CPO shall coordinate reference checks and perform reasonable research that may be needed to determine the bidder's reputation and ability to meet the needs of the contract.

If the solicitation is an RFP, the Department Head will designate at least two (2) members to be part of the evaluation team and will provide assistance to the CPO in choosing other members of the evaluation team.

### **7.1.11 Contract Management**

The Department Head is responsible for monitoring the progress and performance of contractors that have been initiated from within their department.

All amendments, change orders, or extensions should be initiated by the Department Head or the Inspector of Buildings as appropriate, and will be approved by the CPO and Town Accountant.

Department Heads are responsible for tracking the expiration dates of their contracts. The Department Head will notify the CPO at least 90 days in advance of a contract expiration in order to facilitate a new contract, if necessary.

Department Heads may be needed from time to time to assist in providing a copy of any performance review to the CPO, wherever such a review is required by DCAMM.

Department Heads should forward certified payroll to the Town Accountant where it will be retained for a period of seven (7) years following the completion date of the project.

## **7.2 CPO Responsibilities**

Some responsibilities may be shared with the Department, subject to approval by the CPO.

### **7.2.1 Issuing the Solicitation**

The Department shall provide a complete solicitation document to the CPO who will review and modify as necessary to ensure compliance with the applicable Massachusetts General Law.

For construction contracts, the CPO will work with the Department to establish a date and time for a pre-bid meeting or walk-through, and will provide guidelines for the pre-bid activity.

Should the Department, at any time, be in need of assistance in developing a scope for the solicitation, the CPO will provide professional assistance to the best of her/his ability. The CPO will encourage the Department to research specifications used in other municipalities or similar agencies.

The CPO shall confirm that the Department has prepared public notice and submitted a legal notice in proper legal form.

### **7.2.2 Distribution of Solicitation**

The CPO is responsible for distribution of all solicitations over \$10,000. Should bid documents be provided from an architect/engineer/OPM (Owner's Project Manager), the documents will be provided to the CPO who will distribute the correct number to appropriate Department Heads and project managers, as required. Additionally, Department Heads are strongly encouraged to create a digital version of the bid specifications so that they may be emailed out rather than picked up in hard copy form.

The CPO will communicate with the Department regarding questions or comments in the technical specifications. Should it be necessary to provide additional information to interested vendors, the CPO will oversee the preparation and issuance of the addendum by the Department, who will issue an addendum to anyone who has registered to receive the solicitation.

### **7.2.3 Receiving and Evaluating Responses**

Unless permission is otherwise granted prior to the solicitation, all quotations, bids, and proposals are to be sent to/collected at the address of the CPO.

For solicitations requiring an IFB, the CPO will receive all bids. At the time of the bid opening, the CPO, or designee, will open and read aloud the submissions. The Department representative will take minutes of the proceeding, and prepare a bid tabulation sheet with the results. The CPO will consider each bidder's responsiveness to the basic requirement. Immediately following the CPO's review, the Department will be notified of the responsible and responsive bidder with the lowest quote.

For an RFP, the CPO will work with the Department Head to create an evaluation committee that has the expertise and ability to evaluate, rank and recommend an award. The CPO will receive all proposals, and at the time of opening will open and prepare a register of proposals. Price proposals will remain unopened at this time. The CPO will then provide the proposals to the members of the evaluation committee. Once the evaluation committee reaches a decision, the CPO will open the price proposals.

The Department will prepare and provide to the CPO a record of all vendors/contractors who have registered to receive the solicitation and will be responsible for the return of bid deposits to vendors who are not selected for the contract. The CPO will maintain a record of bids received in the procurement file.

#### **7.2.4 Handling Late Responses**

A late bid or proposal is one that is delivered after the due date and time. Late bids or proposals must be rejected as non-responsive, and as such, will be returned unopened to the person submitting the bid or proposal. Should a late bid or proposal be received via courier service, it shall be refused upon attempted delivery. If mailed, it shall be returned unopened. Corrected or modifications to responses are also not accepted beyond the due date and time.

#### **7.2.5 Deciding Tie Bids**

On the rare occasion of a tie bid, the CPO will determine a tie-breaking method that is fair to all responders.

#### **7.2.6 Awarding and Executing Contracts**

All procurement contracts with the Town of Boxborough will be prepared by the CPO. There will be two (2) original contracts that will be signed as follows:

- Original signature (not copied) of the contractor
- Original signature of the Town Accountant, certifying sufficient appropriation for the contract
- Original signature of the Town Administrator

The CPO shall be responsible for ensuring proper execution of the contract. In most cases, execution of the contract and submission of required bonds and insurance shall serve as notice to proceed.

An original copy of the contract will be filed in the office of the Town Accountant. The CPO shall maintain a digital copy of the contract and the supporting information such as bid sheets, and a copy of advertisements and required postings (Central Register, Goods and Services Bulletin). For contracts that have not required a bidding process due to the monetary value of the contract, a copy of the written purchase description and written price quotes that have been solicited will be maintained in the Procurement file.

The CPO shall ensure that the contractor or vendor has provided all required documents such as insurance certificates, bonds, guarantee or warranty documents prior to beginning any contracted supply or service with the Town.

No contract may be entered into or amended unless there is a sufficient appropriation for the cost of the contract or amendment.

For contracts and amendments subject to G.L. c. 30, s. 39M and c. 149, the Town Accountant must certify on the contract that there is a sufficient appropriation therefor and that the Town official signing the contract is authorized to do so and to approve all requisitions and change orders.

No Town Official other than the Select Board and the Town Administrator are authorized to execute contracts on behalf of the Town. See the Town's Bid Bylaw.

### **7.2.7 Contract Management**

The CPO will keep a record of any problems, quality issues, complaints, performance issues or other items that may be used to disqualify a vendor or contractor in the future.

## **8.0 Emergency Procurements**

### **8.1 Supplies and Services**

The CPO may approve an emergency procurement when the situation would “endanger the health or safety or the people or property”. In an emergency situation, a procurement must comply with the law to the greatest extent possible while attending to the emergency.

Any Department Head needing an emergency procurement shall document the situation and submit written documentation to the CPO within one business day of the event. The document shall contain:

- The basis for the emergency procurement
- The name(s) or the vendor/contractors used
- The dollar amount committed to the emergency
- A list of supplies and/or services procured

### **8.2 Building Construction**

Prior approval of DCAMM is required on any emergency purchase under the provisions of MGL Chapter 149. The provision states that an emergency is to “preserve the health or safety of persons or property, or to alleviate an imminent security threat”.

Any Department Head needing an emergency procurement must document the situation and submit written documentation to the CPO immediately in order for a DCAMM waiver to be submitted in a timely manner.

DCAMM approval may waive public notice or bidding requirements for the work necessary. If the nature of the emergency precludes prior approval, the Town may contract for only the work that is absolutely necessary, and seek subsequent approval from DCAMM. Although formal bidding may be waived, the Town should solicit more than one source if at all possible in the time constraint.

Emergency procurements are also subject to the Prevailing Wage Law; therefore, the CPO will apply for prevailing wages as soon as notification of the emergency work is received.

Note: If DCAMM denies the Town’s request, work must stop immediately. The CPO will notify the Department Head.

You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew, or should have known, that a repair was warranted and you had time to correct it using normal bidding procedures, DCAMM will not allow you to justify the use of emergency procedures.

### **8.3 Public Works Construction**

Under the provisions of MGL Chapter 30, 39M, an emergency is defined as “extreme emergency caused by enemy attack, sabotage or other hostile actions or resulting from an imminent security threat, explosion, fire flood, earthquake, tornado or other such catastrophe”.

Any Department Head needing an emergency procurement shall submit written documentation to the CPO within one business day of the event in order to create a permanent record of the actions taken.

Note: Only work absolutely necessary to temporarily repair and restore service, or to preserve the health and safety of persons or property is allowed to be performed without a procurement; however, no permanent reconstruction, alteration, remodeling or repair of any public work is allowed.

### **9.0 Bid Splitting**

Splitting purchases over several days, weeks, or months is considered “bid-splitting” when the appearance is that this is being done to avoid meeting thresholds which require a more complex procurement. Certain unexpected small expenses sometimes make good business sense and are not problematic; however, to purposely purchase items over time and under the procurement thresholds is illegal. For example, a local jurisdiction that makes six separate purchases of \$11,000 each from one vendor in a short period of time by soliciting written quotes is likely to create the impression that it is bid-splitting to avoid the \$50,000 threshold for bids or proposals. This would not be allowed under MGL.

## Acknowledgement Form

\*Please sign and date this page and return to the CPO

By signing this form, you acknowledge receipt of the Town of Boxborough's Procurement Policy and Procedures from the CPO.

Please review the policy and procedures manual carefully. The Procurement Policy and Procedures are subject to change. If modified, you will receive a revised copy from the CPO. Please contact the CPO at ext. 712 with any questions you may have.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Department \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX

A-1 to A-5	Office of the Inspector General Procurement Tables
A-6	Procurement Compliance Checklist
A-7	Verbal Quote Form
A-8	Town of Boxborough Bid Bylaw
A-9	Town of Boxborough Disposition of Town Property Bylaw

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

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
<b>Procurement Procedure</b>	Sound business practices <sup>1</sup>	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service <sup>2</sup>	Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
<b>Notice/Advertising Requirements</b>	None.	None.	Post a notice 1) in your jurisdiction’s office, and, at least two weeks before bids or proposals are due, 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> .
<b>Award contract to:</b>	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 <sup>3</sup> and responsive <sup>4</sup> 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.
<b>Written Contract Required<sup>5</sup></b>	No. Keep written records as a best practice.	Yes.	Yes.
<b>Maximum Contract Term<sup>6</sup></b>	Three years, unless majority vote authorizes longer.		
<b>OSD Option</b>	Yes.		

<sup>1</sup> M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>2</sup> M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as “a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.”

<sup>4</sup> M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.”

<sup>5</sup> M.G.L. c. 30B, § 17(a), states “All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.”

<sup>6</sup> M.G.L. c. 30B, § 12(b), states “Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”

## M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS (WITH LABOR)

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	\$50,000 or less	Over \$50,000
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option <sup>1</sup>	M.G.L. c. 30, § 39M
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. <sup>3</sup>	Sealed bids.	Sealed bids.
<b>Notice/Advertising Requirements</b>	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. <sup>4</sup>	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> . <sup>5</sup>	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. <sup>6</sup>
<b>OSHA Training</b>	No.	Yes.	Yes	Yes.
<b>Prequalification</b>	No.	No.	No.	Maybe. <sup>7</sup>
<b>Bid Deposit</b>	No.	No.	No.	5% of the value of the total bid.
<b>Payment Bond</b>	No.	50% payment bond if contract is more than \$25,000. <sup>8</sup>	50% payment bond if contract is more than \$25,000. <sup>9</sup>	50% payment bond.
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	No.	No.

<sup>1</sup>Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A.

<sup>6</sup> M.G.L. c. 149, § 44J.

<sup>7</sup> Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

<sup>8</sup> M.G.L. c. 149, § 29.

<sup>9</sup> M.G.L. c. 149, § 29.

**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 <sup>1</sup>
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup>	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.
<b>Notice/Advertising Requirements</b>	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. <sup>3</sup>	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. <sup>4</sup>	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> . <sup>5</sup>
<b>OSHA Training</b>	No.	No.	No.	No.
<b>Prequalification</b>	No.	No.	No.	No.
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	No.
<b>Payment Bond</b>	No.	50% payment bond if contract is more than \$25,000. <sup>6</sup>	50% payment bond.	50% payment bond if contract is more than \$25,000. <sup>7</sup>
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	No.	No.	No.	No.
<b>OSD Option</b>	Yes.	Yes.	Yes.	No.
<b>Blanket Contract Option</b>	Yes.	Yes.	No.	No.

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 44J.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A. (Note: If the procurement will exceed \$100,000, and the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, at least two weeks before bids or proposals are due, publish in the *Goods and Services Bulletin*.)

<sup>6</sup> M.G.L. c. 149, § 29.

<sup>7</sup> M.G.L. c. 149, § 29. (Note: If the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, you do not need to obtain a payment bond.)

## M.G.L. c. 149 – BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000 to \$150,000	Over \$150,000	Over \$10,000,000
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>1</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	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).
<b>Notice/Advertising Requirements</b>	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. <sup>2</sup>	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. <sup>3</sup>	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. <sup>4</sup>	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. <sup>5</sup>
<b>DCAMM Certification</b>	No.	No.	No.	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.
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.	Yes.
<b>Prequalification</b>	No.	No.	No.	Optional. <sup>6</sup>	Yes.
<b>Filed Sub-bids</b>	No.	No.	No.	Yes, if more than \$25,000.	Yes, if more than \$25,000.
<b>Bid Deposit</b>	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.
<b>Payment Bond</b>	No.	50% payment bond if contract is >\$25,000. <sup>7</sup>	50% payment bond.	100% payment bond.	100% payment bond.
<b>Performance Bond</b>	No.	No.	No.	100% performance bond.	100% performance bond.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.	Yes.
<b>Contractor Evaluation</b>	No.	No.	No.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	No.	No.	No.

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<sup>1</sup>M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>2</sup>M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup>M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup>M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup>The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general contractors and subcontractors that have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid, to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$150,000 apply.

<sup>6</sup>If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the “Over \$10,000,000” column. (Note: The prequalification threshold was not raised in 2016.)

<sup>7</sup>M.G.L. c. 149, § 29. .

## M.G.L. c. 7C, §§ 44-57 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS: Cities, Towns, Regional School Districts and Horace Mann Charter Schools<sup>1</sup>

Estimated Construction Cost (ECC)/Estimated Design Fee (EDF)	ECC \$100,000 or less or EDF less than \$10,000	EDF \$30,000 or more and ECC \$300,000 or more
<b>Procurement Procedure</b>	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.
<b>Advertising Required</b>	No.	Advertise in the Central Register and your local newspaper at least two weeks before the deadline for filing applications..
<b>Designer Selection Board<sup>1</sup></b>	No.	No – adopt selection procedure in writing. <sup>2,3</sup>
<b>Designer Application</b>	No.	Yes. See <a href="#">Designer Selection Procedures for Municipalities</a> . Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)”
<b>Designer Evaluation (Submit to DCAMM and Designer Selection Board)</b>	No.	Yes. See <a href="#">Designer Evaluation Forms &amp; Information for Municipalities and Agencies</a>
<b>Registration</b>	Yes.	Yes.
<b>Insurance</b>	No.	At a minimum, the lesser of \$1 million or 10% of the project’s estimated cost of construction. <sup>4</sup>
<b>Prevailing Wage</b>	No.	No.

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<sup>1</sup>Executive Departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more.

<sup>2</sup>Cities, towns, school districts and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44 – 58, and noted herein. See this Office’s [Model Designer Selection Procedures for Municipalities and Other Local Public Agencies](#).

<sup>3</sup>Housing Authorities must follow the procedures established by the Department of Housing and Community Development for the design of state- funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

<sup>4</sup>M.G.L. c. 7C, § 51.



## TOWN OF BOXBOROUGH

### PROCUREMENT COMPLIANCE CHECKLIST

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Department/Board: \_\_\_\_\_

Purchase Description: \_\_\_\_\_

Based on the description or need, please mark which section of law applies to your situation. Please attach all documentation necessary to demonstrate compliance with any item marked, (form, quote, memo, contract, agreement, etc.) This form must be completed prior to your purchase and should accompany the invoice submitted to the Town Accountant.

\_\_\_\_\_ MGL c30B Uniform Procurement Act

\_\_\_\_\_ Supplies or services valued between \$10,000 and \$50,000

\_\_\_\_\_ Supplies or services valued or \$50,000

\_\_\_\_\_ Sole Source Provider

\_\_\_\_\_ Emergency

\_\_\_\_\_ Disposal of surplus supplies valued over \$5,000

\_\_\_\_\_ Real property valued over \$25,000 (acquisition disposal)

\_\_\_\_\_ MGL c149 Design Contracts for Public Building Projects

\_\_\_\_\_ MGL c149 Construction Bid Laws

\_\_\_\_\_ Less than \$10,000

\_\_\_\_\_ \$10,000 to \$50,000

\_\_\_\_\_ Over \$50,000

\_\_\_\_\_ MGL c30 §39M Public Works Construction

\_\_\_\_\_ \$10,000 to \$50,000

\_\_\_\_\_ Over \$50,000

\_\_\_\_\_ Procurement is satisfied via Statewide Contract procured by OSD

\_\_\_\_\_ Procurement is satisfied via Collective Purchasing Agreement

\_\_\_\_\_  
Signature: Department Head/Designee

\_\_\_\_\_  
Signature: Chief Procurement Officer



TOWN OF BOXBOROUGH  
Procurement Form for Verbal Quotes  
Supplies or Services Valued between \$10,000 and \$50,000

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Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Department: \_\_\_\_\_  
Budget Line Item: \_\_\_\_\_  
Purchase Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VENDOR #1: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Unit Price: \_\_\_\_\_ Total Price: \_\_\_\_\_  
Company Name & Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

VENDOR #2: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Unit Price: \_\_\_\_\_ Total Price: \_\_\_\_\_  
Company Name & Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

VENDOR #3: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Unit Price: \_\_\_\_\_ Total Price: \_\_\_\_\_  
Company Name & Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Purchase awarded to vendor # \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature: Department Head/Designee

\_\_\_\_\_  
Signature: Chief Procurement Officer

NOTE: All invoices for purchases of supplies and services between \$10,000 and \$50,000 must be accompanied with this completed form to the Town Accountant

## **BID BYLAW**

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or Town Administrator is authorized to enter into any contract for the exercise of the Town's corporate powers for matters involving General Government, on such terms and conditions as are deemed appropriate. Unless authorized by the General Laws or town meeting, any Town officer or board so authorized may solicit and award contracts for the procurement of goods and services for terms exceeding three years, but not to exceed five (5) years, including any renewal, extension or option, provided in each instance that the longer term is determined to be in the best interest of the Town. Notwithstanding the foregoing, the Board of Selectmen or Town Administrator shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

Adopted by Annual Town Meeting: May 29, 1990

Approved by Attorney General: September 30, 1990

Amended by Special Town Meeting: November 8, 1999

Approved by Attorney General: February 9, 2000

Amended by Annual Town Meeting: May 12, 2009

Approved by Attorney General: August 27, 2009

Amended by Annual Town Meeting: May 15, 2018

Approved by Attorney General: July 12, 2018

## **DISPOSITION OF TOWN PROPERTY BYLAW**

Whenever a board or officer having charge of personal property or materials belonging to the Town shall determine that such property has become obsolete or is no longer needed, said board or officer may sell, or otherwise dispose of said property or material if the fair market value of said property or materials does not, in the opinion of the Selectmen, exceed ten thousand (\$10,000) dollars.

Adopted: May 10, 1983

Approved by Attorney General: July 22, 1983

Amended by Annual Town Meeting: May 15, 2018

Approved by Attorney General: July 12, 2018