

HOUSE No. 11

So much of the recommendations of the Office of the Inspector General (House, No. 8) as relates to Chapter 30B, the Uniform Procurement Law. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to Chapter 30B.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 30B of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by striking out, in lines 9 through 10, the words “thirty-eight A1/2 to
3 thirty-eight O, inclusive, of chapter seven” and inserting in place thereof the following: 44 to 57,
4 inclusive, of chapter 7C

5 SECTION 2. Section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended
6 by striking out subsection (5) of paragraph (b) in its entirety and inserting in place thereof the
7 following:

8 (5) a contract for the purchase of materials, under specifications of the Massachusetts department
9 of transportation highway division, and at prices established by the division, pursuant to
10 advertising and bidding for such purpose, in connection with work to be performed under the
11 provisions of chapter 81 or chapter 90;

12 SECTION 3. Said section 1 of said chapter 30B, as so appearing, is hereby amended by striking
13 out, in line 103, the words “subclause (r)” and inserting in place thereof the following:-
14 subclause (s)

15 SECTION 4. Said section 1 of chapter 30B of the General Laws, as so appearing, is hereby
16 amended by striking out, in lines 127 through 128, the words “thirty-eight A1/2 to thirty-eight O,
17 inclusive, of chapter seven” and inserting in place thereof the following: 44 to 57, inclusive, of
18 chapter 7C

19 SECTION 5. Section 16 of said chapter 30B, as so appearing, is hereby amended by striking out,
20 in line 43, the words “forty J of chapter seven” and inserting in place thereof the following: 38 of
21 chapter 7C

22 SECTION 6. Section 17 of said chapter 30B, as so appearing, is hereby amended, in line 12, by
23 striking the words “two thousand dollars” and inserting in place thereof the following:- \$10,000

24 SECTION 7. Section 18 of said chapter 30B, as so appearing, is hereby amended by striking out
25 the definition “Disadvantaged vendor” and inserting in place thereof the following:

26 “Disadvantaged vendor”, any business beneficially owned by one or more minority persons in
27 conformity with clauses (1) to (4), inclusive, of the definition of “Minority business” set forth in
28 section 6 of chapter 7C, and any business beneficially owned by one or more women as provided
29 in the definition of “Women-owned business” set forth in said section 6 and any business
30 beneficially owned by 1 or more veterans as provided in the definition of “veteran-owned
31 business” as set forth in section 6.

32 SECTION 8. Said chapter 30B, as so appearing, is hereby amended by striking out section 23
33 and inserting in place thereof the following section:-

34 Section 23. (a) Notwithstanding any general or special law to the contrary and to the extent
35 permitted by federal law, a governmental body may, by a majority vote, establish a preference
36 for the procurement of products or services by businesses, as defined in section 3A of chapter
37 23A, with their principal place of business in the commonwealth.

38 (b) If a governmental body establishes such a preference, the procurement officer responsible
39 for procuring products and services on behalf of the governmental body shall effectuate such
40 preference for the procurement in: (i) advertising for bids, contracts or otherwise and making
41 reasonable efforts to facilitate the purchase of such products or services; and (ii) purchasing
42 products or services by businesses, as defined in said section 3A of said chapter 23A, with their
43 principal place of business in the commonwealth, unless the price of such goods or services
44 exceed, by more than 10 percent, the price of such goods or services produced by businesses
45 with their principal place of business outside of the commonwealth.