

HOUSE No. 2980

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act making certain changes in the procurement laws.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3187 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT MAKING CERTAIN CHANGES IN THE PROCUREMENT LAWS.

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 22 of Chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by adding at the end thereof the following subsections:—
3 (21) A procurement officer may procure, without competition, equipment that serves a specialized need or
4 specialized function; provided, however, that the procurement officer shall provide to the office of the inspector
5 general a detailed statement of the reasons for the sole source procurement, including, but not limited to safety,
6 specialized purpose, or function. Sole source procurements shall be clearly identified as such. No procurement
7 officer shall award a contract based on specifications that limit competition by relying upon language based on a
8 single manufacturer's specifications or promotional materials. No procurement officer shall use any specifications
9 that utilize proprietary information unless such specifications are used for a sole source procurement.
10 (22) A procurement officer may not utilize a sole source procurement by means of bidding out financing for an
11 identified product or contractor, or for specifications that are limited to one product or one provider.

12 SECTION 2. Section 22B of said chapter 7, as so appearing, is hereby amended by adding at the end thereof the
13 following paragraph:—
14 The commissioner shall notify all cities and towns in the commonwealth when procurements are made on a
15 statewide basis. The procurement officer shall consider the needs of cities and towns in making a procurement
16 statewide and shall send to each city and town a statement of the reasons why he considers the procurement to be
17 advantageous to the cities and towns. The procurement officer shall consider options on items and equipment to
18 provide municipalities flexibility in utilizing procurements under this section.

19 SECTION 3. Section 7 of chapter 30B of the General Laws, as so appearing, is hereby amended by adding at the
20 end thereof the following subsections:—
21 (d) A procurement officer may procure, without competition, equipment that serves a specialized need or specialized
22 function; provided, however, that the procurement officer shall provide to the office of the inspector general a
23 detailed statement of the reasons for the sole source procurement including, but not limited to safety, specialized
24 purpose, or function. Sole source procurements shall be clearly identified as such. No procurement officer shall
25 award a contract based on specifications that limit competition by relying upon language based on a single
26 manufacturer's specifications or promotional materials. No procurement officer shall use any specifications that
27 utilize proprietary information unless such specifications are used for a sole source procurement.

28 (e) A procurement officer may not utilize a sole source procurement by means of bidding out financing for an
29 identified product or contractor, or for specifications that are limited to one product or one provider.