

HOUSE No. 3077

The Commonwealth of Massachusetts

PRESENTED BY:

Michael P. Kushmerek

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 adoption of the accompanying bill:

An Act relative to Chapter 30B procurement through RFPs and cooperative contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/19/2023</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>3/10/2023</i>

HOUSE No. 3077

By Representative Kushmerek of Fitchburg, a petition (accompanied by bill, House, No. 3077) of Michael P. Kushmerek and Jonathan D. Zlotnik relative to certain procurements through requests for proposals and cooperative contracts. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to Chapter 30B procurement through RFPs and cooperative contracts.

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 4 of chapter 30B of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following subsection:-

4 (a) Except as permitted pursuant to this section and section 7, for the procurement of a
5 supply or service for a governmental body in the amount of \$10,000 or greater, but not more than
6 \$50,000, a procurement officer shall seek written quotations from no fewer than 3 persons
7 customarily providing the supply or service; provided, however, that for the procurement of a
8 supply or service for a municipal or regional school district such amount shall be \$10,000 or
9 greater, but not more than \$100,000. The procurement officer shall record: (1) the names and
10 addresses of all person from whom quotations were sought, (2) the purchase description used for
11 the procurement, (3) the names of the persons submitting quotations and (4) the date and amount
12 of each quotation. Such information shall be retained in the file required pursuant to section 3. A

13 governmental body may require that any procurement for a governmental body in an amount of
14 not more than \$50,000 be subject to section 5 or section 6; provided, however, that any
15 procurement for a municipal or regional school district such amount shall be not more than
16 \$100,000.

17 SECTION 2. Section 4 of chapter 30B of the General Laws is hereby amended by
18 striking out subsection (b) and inserting in place thereof the following subsection:-

19 (b) The procurement officer shall award the contract to the responsible person offering
20 the needed quality of supply or service at the lowest quotation unless the procurement officer
21 elected to procure the supply or service subject to section 6. If the supply or service was procured
22 subject to section 6, the procurement officer shall award the contract pursuant to section 6
23 subsection (g).

24 SECTION 3. Section 6 of said Chapter 30B is hereby amended in paragraph (a) by
25 inserting after the figure “\$50,000” the following words: “except as permitted pursuant to section
26 4 subsection (a),”

27 SECTION 4. Section 22 of said Chapter 30B is hereby amended by striking out Section
28 22 in its entirety and inserting in place thereof the following section:- Section 22. A public
29 procurement unit may participate in, sponsor, conduct or administer a cooperative purchasing
30 agreement for the procurement of supplies and services bid in accordance with Massachusetts
31 General Law Chapter 30B with public procurement units or external procurement activities in
32 accordance with an agreement entered into between the participants. The public procurement
33 unit conducting the procurement of supplies and services shall do so in a manner that constitutes
34 a full and open competition.