

HOUSE No. 3974

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

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:
amending the micropurchasing threshold under chapter 149.

PETITION OF:

NAME:

Stephen Kulik

DISTRICT/ADDRESS:

1st Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 38 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AMENDING THE MICROPURCHASING THRESHOLD UNDER CHAPTER 149.

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 44A of chapter 149 of the General Laws as amended by chapter 193 of the
2 Acts of 2004 is hereby further amended by striking out subsection (2) and inserting in place thereof the
3 following subsection:-

4
5 (2)(A) Every procurement for the construction, reconstruction, installation, demolition, maintenance or
6 repair of any building by a public agency estimated to cost less than \$5,000 shall be obtained through the
7 exercise of sound business practices. The public agency shall make and keep a record of each such
8 procurement. Said record shall, at a minimum, include the name and address of the person from whom
9 the services were procured. Written price quotations submitted in accordance with this subsection do not
10 require bid deposits.

11
12 (B) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of
13 any building by a public agency estimated to cost not less than \$5,000 but less than \$10,000 shall be
14 awarded to the responsible person offering to perform the contract at the lowest price quotation; provided,
15 however, that the public agency shall seek written price quotations from no fewer than 3 persons
16 customarily providing the work for which the contract is being made available. When seeking written
17 quotations the public agency shall make and keep a record of the names and addresses of all persons from
18 whom price quotations were sought, the names of the persons submitting price quotations and the date
19 and amount of each price quotation. Written price quotations submitted in accordance with this subsection
20 do not require bid deposits.

21

22 (C) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of
23 any building estimated to cost not less than \$10,000 but not more than \$25,000 shall be awarded to the
24 responsible person offering to perform the contract at the lowest price. The public agency shall make
25 public notification of the contract and shall seek written responses from persons who customarily perform
26 such work. The public notification shall include a scope of work statement that defines the work to be
27 performed and provides potential responders with sufficient information regarding the objectives and
28 requirements of the public agency and the time period within which the work is to be completed. For
29 purposes of this subsection "public notification" shall include, but not necessarily be limited to, posting,
30 no less than 2 weeks before the time specified in the notification for the receipt of responses, the contract
31 and scope of work statement on the website of the public agency and, either on the COMPASS system,
32 so-called, or in the central register established under section 20A of chapter 9, and in a conspicuous place
33 in or near the primary office of the public agency. Written price quotations submitted in accordance with
34 this subsection do not require bid deposits.

35

36 (D) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of
37 any building by a public agency estimated to cost more than \$25,000 but not more than \$100,000 shall be
38 awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened
39 and read in accordance with the procedure set forth in said section 39M of said chapter 30. The term
40 "pumping station" as used in this section shall mean a building or other structure which houses solely
41 pumps and appurtenant electrical and plumbing fixtures.

42

43 (E) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of
44 any building by a public agency estimated to cost more than \$100,000, except for a pumping station to be
45 constructed, reconstructed, installed, demolished, maintained or repaired as an integral part of a sewer
46 construction or water construction project bid under the provisions of section 39M of chapter 30, shall be
47 awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in
48 accordance with the procedure set forth in section 44A to 44H, inclusive.

49

50 (F) When the general court has approved the use of an alternative mode of procurement of construction
51 for a project pursuant to section 7E of chapter 29, the awarding authority responsible for procuring
52 construction services for the project shall follow the policies and procedures of this section and of section
53 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

54

55 (G) Notwithstanding paragraph (E), a public agency may undertake the procurement of modular
56 buildings, in accordance with section 44E. A public agency may procure site work for modular buildings,
57 including but not limited to, construction of foundations, installations, and attachment to external utilities,
58 or any portion of site work, either in combination with the procurement of modular buildings pursuant to
59 section 44E or on the basis of competitive bids pursuant to paragraph (E). Notwithstanding the paragraph

60 (E), a public agency may procure energy management services in accordance with section 11C of chapter
61 25A and regulations promulgated thereunder.

62

63 **SECTION 2.** Section 29 of Chapter 149 of the General Laws, as appearing in the 2006 Official Edition,
64 is amended by striking out in line 7 the words “two thousand dollars” and replacing with the following:-
65 “fifty thousand dollars”.

66

67 **SECTION 3.** This act shall take effect immediately upon passage.

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