

HOUSE No. 2980

The Commonwealth of Massachusetts

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

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

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