

**HOUSE . . . . . No. 2994**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

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. Chapter 30B of the General Laws, as appearing in the 2002 Official  
2 Edition, is hereby amended by striking section 5, subsection (g), and inserting in place therein,  
3 the following new subsection:-

4 (g) The procurement officer shall award the contract to the lowest responsible and  
5 responsive bidder; provided, however, that a bidder whose principal place of business is located  
6 within Massachusetts shall be considered the lowest bidder if its bid is within five percent of the  
7 lowest responsible and responsive of a bidder whose principal place of business or a place of  
8 business/location is not within the Commonwealth. A contract requiring payment to the  
9 governmental body of a net monetary amount shall be awarded to the highest responsible and  
10 responsive bidder; provided further, provided, however, that a bidder whose principal place of  
11 business or a place of business/location is located within Massachusetts shall be considered the  
12 highest bidder if its bid is within five percent of the highest responsible and responsive of a  
13 bidder whose principal place of business, is not located or does not employ Massachusetts  
14 residents is not within the Commonwealth. The procurement officer shall award the contract by

15 written notice to the selected bidder within the time for acceptance specified in the invitation for  
16 bids. The time for acceptance may be extended for up to 45 days by mutual agreement between  
17 the governmental body and the apparent lowest responsible and responsive bidder or, for a  
18 contract requiring payment to the governmental body, by mutual agreement between the  
19 governmental body and the highest apparent responsible and responsive bidder.

20 SECTION 2. Chapter 30B of the General Laws, as appearing in the 2002 Official  
21 Edition, is hereby amended by striking section 6, subsection (g), and inserting in place therein,  
22 the following new section:-

23 (g) The chief procurement officer shall determine the most advantageous proposal from a  
24 responsible and responsive offeror taking into consideration price and the evaluation criteria set  
25 forth in the request for proposals; provided that a bidder whose principal place of business (or  
26 presence) is located within Massachusetts shall be considered to have submitted the most  
27 advantageous proposal if its bid is within five percent of the price submitted by a responsible and  
28 responsive offerer whose principal place of business or a place of business/location is not within  
29 the Commonwealth. A contract requiring payment to the governmental body of a net monetary  
30 amount shall be awarded to the highest responsible and responsive bidder; provided further,  
31 provided, however, that a bidder whose principal place of business or a place of  
32 business/location is located within Massachusetts shall be considered the highest bidder if its bid  
33 is within five percent of the highest responsible and responsive of a bidder whose principal place  
34 of business is not located or does not employ Massachusetts residents is not within the  
35 Commonwealth. The chief procurement officer shall award the contract by written notice to the  
36 selected offeror within the time for acceptance specified in the request for proposals. The parties  
37 may extend the time for acceptance by mutual agreement. The chief procurement officer may

38 condition an award on successful negotiation of the revisions specified in the evaluation, and  
39 shall explain in writing the reasons for omitting any such revision from a plan incorporated by  
40 reference in the contract.