

**HOUSE . . . . . No. 3974**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act 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  
2 193 of the Acts of 2004 is hereby further amended by striking out subsection (2) and inserting in  
3 place thereof the following subsection:-

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

10           (B) Every contract for the construction, reconstruction, installation, demolition,  
11 maintenance or repair of any building by a public agency estimated to cost not less than \$5,000  
12 but less than \$10,000 shall be awarded to the responsible person offering to perform the contract  
13 at the lowest price quotation; provided, however, that the public agency shall seek written price  
14 quotations from no fewer than 3 persons customarily providing the work for which the contract

15 is being made available. When seeking written quotations the public agency shall make and keep  
16 a record of the names and addresses of all persons from whom price quotations were sought, the  
17 names of the persons submitting price quotations and the date and amount of each price  
18 quotation. Written price quotations submitted in accordance with this subsection do not require  
19 bid deposits.

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

34 (D) Every contract for the construction, reconstruction, installation, demolition,  
35 maintenance or repair of any building by a public agency estimated to cost more than \$25,000  
36 but not more than \$100,000 shall be awarded to the lowest responsible and eligible bidder on the  
37 basis of competitive bids publicly opened and read in accordance with the procedure set forth in

38 said section 39M of said chapter 30. The term "pumping station" as used in this section shall  
39 mean a building or other structure which houses solely pumps and appurtenant electrical and  
40 plumbing fixtures.

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

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

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

59 energy management services in accordance with section 11C of chapter 25A and regulations  
60 promulgated thereunder.

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

64 SECTION 3. This act shall take effect immediately upon passage.