

**HOUSE . . . . . No. 4609**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act relative to procurement..

*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 2 of chapter30B of the General Laws is hereby amended by  
2 inserting the following definitions —

3 "Cooperative purchasing" means procurement conducted by, or on behalf of, more than  
4 one public procurement unit, or by a public procurement unit with an external procurement  
5 activity.

6 "External procurement activity" means a procurement involving: (a) any public agency  
7 not located in this state which would qualify as a public procurement unit; (b) buying by the  
8 United States government.

9 "Local public procurement unit" means any political subdivision or unit thereof which  
10 expends public funds for the procurement of supplies, services, or construction.

11 "Public procurement unit" means either a local public procurement unit or a state public  
12 procurement unit.

13           “State public procurement unit” means the offices of the chief procurement officers and  
14 any other purchasing agency of this or any other State.

15           SECTION 2. Section 20 of chapter 30B of the General Laws is hereby amended by  
16 inserting at the end thereof the following -

17           Any public procurement unit may participate in, sponsor, conduct, or administer a  
18 cooperative purchasing agreement for the procurement of any supplies with one or more public  
19 procurement units or external procurement activities in accordance with an agreement entered  
20 into between the participants. The public procurement unit conducting the procurement of any  
21 supplies shall do so in a manner that constitutes a full and open competition.

22           A public procurement unit may engage in an external procurement activity for a period  
23 not to exceed 2 years after the effective date of this act, and thereafter the provisions of  
24 subsection (c) of section 1 of chapter 30B and section 22A of chapter 7 of the General Laws shall  
25 apply for any future collective purchasing by a public procurement unit.

26           The inspector general shall review the process by which public procurement units are  
27 making out-of-state collective purchases. Public procurement units participating in out-of-state  
28 collective purchasing must submit biannually the following summary information to the  
29 Massachusetts office of the inspector general: (1). Where the supplies were purchased from and,  
30 if the purchase was from a state, political subdivision or a public entity of another state, what  
31 information informed them that the out-of-state entity was a political subdivision or a public  
32 entity; (2) a complete description of the item or items purchased; and (3) documentation of  
33 savings obtained with relevant Massachusetts cost comparisons.