HOUSE DOCKET, NO. 2678 FILED ON: 1/21/2011

HOUSE . . . . . No. 3210

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 adoption of the accompanying bill:

An Act relative to Chapter 30B.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Denise Provost	*27th Middlesex*
Kevin J. Murphy	*18th Middlesex*

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HOUSE . . . . . No. 3210

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3210) of Thomas A. Golden, Jr. and others for legislation to further regulate the awarding of contracts by procurement officers. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2994* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Chapter 30B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking section 5, subsection (g), and inserting in place therein, the following new subsection:-

(g) The procurement officer shall award the contract to the lowest responsible and responsive bidder; provided, however, that a bidder whose principal place of business is located within Massachusetts shall be considered the lowest bidder if its bid is within five percent of the lowest responsible and responsive of a bidder whose principal place of business or a place of business/location is not within the Commonwealth. A contract requiring payment to the governmental body of a net monetary amount shall be awarded to the highest responsible and 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.