

HOUSE No. 11

So much of the recommendations of the Inspector General (House, No. 7) as relates to revising Chapter 30B, the Uniform Procurement Law. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act revising 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. Section 4 of chapter 30B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the words "section 5", in line 12, the
3 following words:- or section 6.

4 SECTION 2. Section 4 of chapter 30B, as so appearing, is hereby amended by striking
5 out subsection (b) and inserting in place thereof the following subsection:-

6 (b) Quotations shall not be modified after submission; however, the procurement officer
7 shall waive minor informalities or allow the person submitting quotations to correct the minor
8 informality.

9 The procurement officer shall award the contract to the responsible and responsive person
10 offering the needed quality of supply or service at the lowest quotation. A contract requiring
11 payment to the governmental body of a net monetary amount shall be awarded to the responsible
12 and responsive person offering the needed quality of supply or service at the highest quotation.

SECTION 3. Section 8 of chapter 30B, as so appearing, is hereby amended by striking out, in lines 13 and 14, “at the earliest possible time” and inserting in place thereof:- “within 30 days, unless the emergency prohibits timely submission within that time, in which case the copy shall be submitted as soon as possible,”.

SECTION 4. Section 15 of chapter 30B, as so appearing, is hereby amended by inserting, in line 23, after the first sentence, the following sentence:- “If no written procedures exist, the governmental body shall use sound business practices to dispose of such supply.”

SECTION 5. Section 17 of chapter 30B, as so appearing, is hereby amended by adding at the end thereof the following subsections:-

(e) A contractor shall provide written notification to the inspector general within 60 days whenever the contractor has credible evidence that the contractor, or a principal, employee, agent or subcontractor thereof has, in connection with the award, performance, or closeout of a contract or any subcontract thereunder:

(1) committed a violation of criminal law;

(2) committed a violation of sections 5A to 5O of chapter 12;

(3) committed a violation of this chapter; or

(4) received an overpayment exceeding the greater of 5 percent of the contract value or \$5,000 dollars.

SECTION 6. Chapter 30B, as so appearing, is hereby amended by inserting after section 23 the following new section:-

33 Section 24.

34 The inspector general may adopt, promulgate, amend and rescind rules and regulations
35 for the interpretation, administration and enforcement of this chapter.