



**GLENN A. CUNHA**  
INSPECTOR GENERAL

## The Commonwealth of Massachusetts

### Office of the Inspector General

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November 7, 2018

The Honorable Steven T. James  
Clerk of the House of Representatives  
State House, Room 145  
Boston, MA 02133

Dear Mr. James:

In compliance with Section 33 of Chapter 30 of the Massachusetts General Laws, the Inspector General respectfully submits five legislative proposals for the 2019-2020 session of the General Court.

1. The first proposal, An Act Relative to Higher Education Boards of Trustees, would require every member of a board of trustees for an institution of higher education in Massachusetts to participate in training provided by the Department of Higher Education. The proposal also states that membership on the board of trustees shall terminate if a member fails to complete a training program.
2. The second proposal, An Act Relative to Chapter 12A, would amend the Office of the Inspector General's enabling statute. Based on the federal Inspector General Empowerment Act of 2016, Pub. L. No. 114-317, 130 Stat. 1595 (2016), the proposal strengthens the Office's ability to carry out its mandate of preventing and detecting fraud, waste and abuse by clarifying that the Office has access to all records of a public body unless the General Court expressly references the Inspector General and specifically limits the Inspector General's right of access. The proposal would also allow the Office to refer a potential criminal matter to a district attorney in the same manner as a referral to the United States Attorney or the Attorney General. Further, the proposal allows a member or designee of the Inspector General Council to attend a private session where testimony is given under oath, at the request of the Inspector General, but removes the attendance requirement. The role of the Inspector General Council otherwise remains the same, including approving summonses to take testimony under oath. Finally, the proposal extends whistleblower protections to non-public employees of state contractors who alert the Office to potential fraud, waste and abuse of public dollars. Any person who violates this section would be subject to a fine and may be liable for damages.

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3. The third proposal, An Act Relative to Chapter 30B, would increase a fine and make technical corrections to Chapter 30B, the Uniform Procurement Act. The technical changes update Chapter 30B to include correct statutory references based on recently enacted amendments to other statutes. The proposal also strikes a section of Chapter 30B that is duplicative.
4. The fourth proposal, An Act Revising Chapter 30B, would augment certain sections of Chapter 30B, the Uniform Procurement Act, to promote best practices, fair competition and transparency. Under the proposed revisions, awarding authorities would be able to use requests for proposals for procurements in the \$10,000 to \$50,000 range. The proposal also clarifies that quotations solicited for goods and services cannot be negotiated. Further, awarding authorities that do not have written procedures for the disposal of surplus supplies would be required to use sound business practices to dispose of surplus supplies valued at less than \$10,000. The proposal also would require contractors to notify the Office of the Inspector General when it has credible evidence of criminal conduct, civil violations or overpayments. Finally, the Office would be permitted to promulgate regulations related to the enforcement and interpretation of Chapter 30B.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Respectfully,



Glenn A. Cunha  
Inspector General