

# Construction Bidding Basics



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# The Attorney General's Bid Unit

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- Respond to bid law questions
- Conduct investigations/hearings
- Public education
- Bid Protest Decisions on our website:

<http://www.bpd.ago.state.ma.us>



# Major Public Bidding Laws

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**M.G.L. c. 149**

**M.G.L. c. 30, §39M**

**M.G.L. c. 7C, §§ 44-57**

**M.G.L. c. 149A**



## M.G.L. c. 30, §39M

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- public works projects estimated to cost \$10,000 or more

### **M.G.L. c. 149A**

- **CM at Risk**
- **Design Build**
- **Over \$5 million**



# Building

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- **construction, reconstruction, installation, demolition, maintenance or repair**
- on a **building** (a structure with four walls and a roof)
- **estimated to cost \$10,000 or more**



# Public Building Construction Law (M.G.L. c. 149, §§44A-M)

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## Procedure

\$150,000 or more

Invite sealed bids

Advertise: local newspaper, Central

Register, and your bulletin board or website

5% bid deposit

100% payment bond

100% performance bond

DCAM certification for generals and filed subs

Pay prevailing wage

# Filed Sub-bids





# Requirements

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- Must be a building project under M.G.L. c. 149, except a modular building
- Entire project must be worth over \$150,000
- Estimated cost of filed sub-bid is more than \$25,000.  
Good faith estimate
- Sub-bid falls into statutory classification





# Statutory Classifications

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- Roofing & flashing
- Waterproofing, damproofing and caulking
- Lathing & plastering
- Marble
- Terrazzo
- HVAC
- Painting
- Masonry
- Sprinkler fitter [FP]
- Glass & glazing
- Plumbing
- Electrical
- Elevators
- Metal windows
- Misc. and ornamental iron
- Acoustical tile
- Resilient floors



# Certification

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- Filed sub-bidders must be DCAM-certified if the project is worth more than \$150,000 and the sub-bid is worth more than \$25,000



# DCAM certification

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- Must have certification even if you bid lower than the thresholds
- Owner may ask for DCAM certification even if the project is less than \$150,000
- If prime certification is needed, filed sub-bid certification will not be accepted



# DCAMM Cert. Requirements

- One year in business
- Licensed
- Three successful projects in the last 3 years, minimum \$20,000
- Financial stability
- Resume's of principals and management



# Relationship to G.C.

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- General contractors do not get to choose their own filed sub-contractors in the first instance
- Filed sub-bids are first considered by the awarding authority
- Filed sub-bidders can restrict their bids to certain general contractors
- Responsible and eligible filed sub-bidders are placed on a tabulation sheet that is sent to the general contractors
- General contractors must choose from the tabulation sheet. General contractors do not have to list the lowest filed sub-bidder in their bids.



# Awarding Authority Classification

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- An awarding authority may ask DCAM to establish another filed sub-bid category for a particular project



# Predominant work

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- If the predominant work of the project is a filed sub-bid category, the work may be included as part of the main construction contract and need not be a filed sub-bid
- Prime DCAMM certification is needed



# Public Works (Non-Building) (M.G.L. c. 30, § 39M(d))

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Applies to:

- Construction, reconstruction, alteration, remodeling, or repair of any **public work** estimated to **cost between \$10,000 to \$24,999**
- **Procedure: Use a M.G.L. c. 30B, § 5 Invitation for Bids**
- **Sealed bids, advertise once in local newspaper, Central Register, post notice on website or bulletin board,**
- **No bid deposit**
- **Prevailing wage is to be paid.**





# Works



- Construction, reconstruction, alteration, remodeling, or repair of any **public work** estimated to **cost \$10,000 or more**
- **Procedure:**  
sealed bids / advertising newspaper,  
Central Register and posting a notice  
50% payment bond, if over \$25,000  
5% bid deposit and prevailing wage



# M.G.L. c. 30, sec. 39m Tips

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- No statutory bid form, unlike 149
- But bid must contain non-collusion language, pains and penalties of perjury
- Develop standard 30, 39M bid form
- Use to purchase construction materials

See I.G.'s Procurement Bulletin, 6/12

- Blanket and OSD contracts