

Chapter 30B Overview

Cummington, MA
January 27, 2017

Massachusetts Office of the Inspector General  Glenn A. Cunha
Inspector General

Chapter 30B
APPLICABILITY

- Applies to:
 - Cities & towns (including boards, commissions, agencies, authorities and departments)
 - Counties
 - Districts
 - Regional school districts



Chapter 30B
APPLICABILITY

- Acquisition of:
 - Supplies
 - Service
 - Real property
- Disposition of:
 - Surplus supplies
 - Real property



Procurement Thresholds

Procurement Amount	Action Required
• Less than \$10,000	• "Sound business practices"
• \geq \$10,000 but not more than \$50,000	• 3 written quotes and written purchase description
• More than \$50,000	• Competitive sealed bids or proposals (COMMBUYS ad; local newspaper, website/bulletin board posting)

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Overview of M.G.L. c. 30B INVITATION FOR BIDS (IFB)

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Invitation for Bids (IFB): STEPS

1. Prepare the IFB
2. Advertise and distribute the IFB
3. Receive, open, and record bids
4. Evaluate bids
5. Award contract to the responsible and responsive bidder offering the best price
6. Retain records

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Invitation for Bids (IFB):
WHAT TO INCLUDE

- Purchase description/Scope of services
- Quality requirements
- Standard forms
- Contract terms and conditions
- Bid submission requirements

7

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Purchase Description
SCOPE OF SERVICES

- Describe your needs in sufficient detail to ensure realistic, comparable prices



8

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Quality Requirements

- Specify standards of quality for the supplies or services to be procured
- Specify qualifications that a vendor must possess in order to properly perform the contract

9

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Rule for Award

- When using an IFB, award the contract to the responsible and responsive bidder offering the lowest price
- Include rule for award in IFB

10

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Best Price

- Tell bidders how you will determine the best price
- If applicable, require bid price to include:
 - Warranties
 - Maintenance agreements
 - Shipping and delivery

11

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Standard Forms

- Certification of good faith (“non-collusion form”)
 - Must be submitted by bidders with their bids
 - Should be included in IFB package
- Bid price form should be included in IFB

12

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Contract Terms and Conditions

- IFB must include all contract terms and conditions
- Provide vendors with a copy of the contract that the successful bidder will be required to sign

13

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Contract Terms and Conditions

- Consult with your local counsel to develop a standard contract
- Consult the checklist in Chapter 2 of the IG’s manual (see: <http://www.mass.gov/ig/publications/manuals/>)

14

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Bid Submission Requirements

- Date and time when sealed bids are due
- Address where bids must be delivered
- Any instructions on how to mark bid packages

15

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Bid Submission Requirements

- Maximum amount of time you reserve to award the contract
- Instructions on correcting, modifying, or withdrawing bids

16

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Advertising the IFB

- The advertisement must:
 - State where, when, and for how long the IFB may be obtained
 - Describe the supply or service needed
 - Include a notice that your jurisdiction reserves the right to reject any/all bids
 - Identify any board (or other body) that must approve the contract

17

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Advertising the IFB

- You must advertise the bid:
 - In a local newspaper at least two weeks before bid due date,
 - In a conspicuous location in or near your jurisdiction's offices for at least two weeks prior to the bid opening date.
 - If your jurisdiction has an official bulletin board...post the notice there.

18

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Advertising the IFB

- You must advertise the bid:
 - In the COMMBUYS system administered by the Operational Services Division (New)
 - If the purchase will cost \$100,000 or more, advertise in the Goods and Services Bulletin



©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Receive, Open, and Record Bids

- Open all bids at the time specified in the IFB
- Open bids in an open meeting or in front of one or more witnesses
- Reject any late bids
- Keep a record of the names of all bidders and the amounts of the bids
- All bids are public at this point

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Evaluating Bids

- Follow the rules in your IFB
- Be consistent and fair
- Determine whether the bidder offering the best price is “responsible and responsive”

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Evaluating Bids

- “Responsible”:
 - Bidder has the capability, integrity, and reliability to perform the contract
- “Responsive”:
 - Bidder offers what was specified in IFB

22

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Final IFB Steps

- Select the responsible and responsive bidder offering the best price
- Award and execute the contract
- Retain records for six years from date of final contract payment
- Monitor vendor performance for the term of the contract

23

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Overview of M.G.L. c. 30B

REQUEST FOR PROPOSALS (RFP)

24

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Request for Proposals (RFP)

- Alternative to IFB for supplies and services valued at more than \$50,000
- Jurisdiction must have appointed a CPO
- Use when you want to evaluate the relative merits of proposals (in addition to price) from responsible and responsive vendors

25

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Request for Proposals (RFP)

- Unlike IFBs, the RFP process does not require selection of best-priced proposal
- Like IFB, RFP includes:
 - Purchase description/Scope of services
 - Quality requirements
 - Standard forms

26

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Request for Proposals (RFP)

- Like IFB, RFP includes:
 - Contract terms and conditions
 - Proposal submission requirements
- Advertising requirements for RFP and IFB are the same

27

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Chief Procurement Officer

- Chapter 30B requires appointment of a Chief Procurement Officer (CPO)
 - CPO is responsible for all activities related to procurement of supplies and services but may delegate functions
 - Must appoint a CPO if jurisdiction wishes to use the Chapter 30B RFP process to procure supplies or services

28

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Chief Procurement Officer

- CPO must document reasons for using RFP process as opposed to the IFB process
- Documentation must explain why selection of the most advantageous offer requires comparative judgments of factors in addition to price

29

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Document Your Decision
M.G.L. c. 30B, § 6 (A)

- The procurement officer shall not solicit competitive sealed proposals unless he or she has determined in writing that the selection of the most advantageous offer requires comparative judgments of factors in addition to price, specifying the reason for his or her determination

30

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Document Your Decision
EXAMPLE

- Your written rationale for using an RFP could be:
 - “I have determined that it is necessary to use an RFP process to compare proposals for an easy-to-use software program because the city places a premium on how quickly employees can master and perform their daily tasks.”



31

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria

- Your comparative criteria should be:
 - Specific
 - Objective, and
 - Closely related to your procurement goals

32

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria

- Your comparative criteria will tell vendors what they need in order to receive a specific rating
- You cannot evaluate vendors on factors that you did not include in the RFP

33

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria
PRACTICAL TIPS

- Fewer comparative criteria will simplify the evaluation process
- Use only the rating categories you need

BEST
PRACTICE

34

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria
ONLY FOUR (4) ALLOWABLE RATING CATEGORIES

- Decide how comparative criteria will be used to rate proposals.
 - Highly advantageous (HA)
 - Advantageous (A)
 - Not advantageous (NA) (neutral)
 - Unacceptable (UA)

35

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria
CHECKLIST

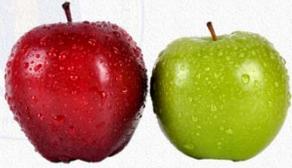
- Are my comparative criteria specific, as objective as possible, and closely related to my procurement goals?
- Do any of my comparative criteria overlap?
- Do any of my comparative criteria leave gaps?
- Can any of my comparative criteria be converted into quality requirements?

36

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Comparative Criteria
WORTH PAYING MORE?

- Develop comparative evaluation criteria for the specific features for which you might be willing to pay more money



37

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Effective Comparative Criteria
DIFFERENTIATING FACTORS

- Specify in RFP the factors that will differentiate each rating
 - Example:
 - **Highly advantageous:** The proposer can provide a sustained download speed of at least 200Mbps or more
 - **Advantageous:** The proposer can provide a sustained download speed of at least 150 Mbps but not more than 200 Mbps

38

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Effective Comparative Criteria
DIFFERENTIATING FACTORS

- Specify in RFP the factors that will differentiate each rating
 - Example:
 - **Not Advantageous:** The proposer can provide a sustained download speed of at least 100 Mbps but not more than 150 Mbps
 - **Un-Acceptable:** The proposer can provide a sustained download speed of less than 100 Mbps.

39

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Ineffective Comparative Criteria:
NO OBJECTIVE STANDARD

- **Highly Advantageous:**
 - The proposer has strong experience managing broadband internet service
- **Advantageous:**
 - The proposer has good experience in managing broadband internet service
- **Not Advantageous:**
 - The proposer has fair experience in managing broadband internet service



40

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Ineffective Comparative Criteria:
TOO MANY FACTORS

- **Advantageous:**
 - The proposer can provide a sustained download speed of at least 200Mbps or more AND uses fiber-optics
- **Not Advantageous:**
 - The proposer can provide a sustained download speed of at least 150 Mbps but not more than 200 Mbps AND does not use fiber-optics



41

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Ineffective Comparative Criteria:
GAPS

- **Highly Advantageous:**
 - The proposer has more than five years of experience providing broadband service to local municipalities
- **Advantageous:**
 - The proposer has two to four years of experience providing broadband service to local municipalities



42

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Ineffective Comparative Criteria:

VAGUE

- Corporate Experience
 - The proposer will earn a Highly Advantageous if he has:
 - Conducted a sufficient number of operation and maintenance projects of similar size and complexity to the town's, and has
 - Adequate years of experience

43

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Proposal Submission and Opening

- Price and non-price (“technical”) proposals must be sealed in separate envelopes and submitted by vendor
- Proposals may not be opened publicly
- Non-price proposals must be opened at time specified in the RFP in front of one or more witnesses
- Register of proposals must be prepared and made available for public inspection

44

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Proposal Submission and Opening

- The contents of the proposals must remain confidential until the evaluation process is complete or the time for acceptance has expired
- The evaluators must not see the price proposals until the evaluation of non-price proposals is complete

45

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Evaluate Non-Price Proposals

- Establish an evaluation team or committee
 - Reject proposals that do not meet the quality requirements
 - For each comparative criterion assign a rating of HA, A, NA or U, and give written reasons for the ratings
 - Assign a composite rating to each proposal and give a written reason for that rating

46

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Non-price Evaluation Sheet:

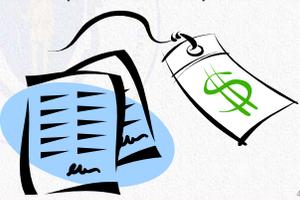
EXAMPLE OF AN UNSUBSTANTIATED EVALUATION

Company A	Company B
A. Experience in similar municipal projects. <u>Rating: HA</u> Reason: _____	A. Experience in similar municipal projects. <u>Rating: A</u> Reason: _____
B. Understanding the scope of work. <u>Rating: HA</u> Reason: _____	B. Understanding the scope of work. <u>Rating: A</u> Reason: _____
C. Operational Plan. <u>Rating: HA</u> Reason: _____	C. Operational Plan. <u>Rating: A</u> Reason: _____
D. Professional Qualifications. <u>Rating: HA</u> Reason: _____	D. Professional Qualifications. <u>Rating: A</u> Reason: _____
E. Other Comments. Current vendor – does excellent work. <u>Rating: HA</u> Reason: _____	E. Other Comments. <u>Rating: A</u> Reason: _____

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Price Proposals

- Open price proposals
- The CPO selects the most advantageous proposal taking into consideration the price and non-price proposals



48

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Award the Contract

- Award to the most advantageous proposer taking into consideration price and non-price proposals
 - If the lowest priced proposer is not selected, the CPO must prepare a written justification that the quality of supplies or services under the contract will not exceed your needs
- Maintain this documentation in your procurement file



49

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Public Records

- Proposals do not become public records until after the evaluation process is complete



50

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig



Overview of M.G.L. c. 30B

SOLE-SOURCE PROCUREMENTS

51

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Proprietary Specifications

- Cite a brand name or restrict procurement to one source
- May be used only if “no other manner of description suffices”
- Use requires a written justification retained in procurement file



52

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Sole-Source Procurements
M.G.L. c. 30B, § 7

- Sole-source procurement:
 - The award of a new contract for supplies or services to a single source without soliciting price quotes, bids, or proposals
- Contract award to the sole vendor responding to request for quotes, IFB, or RFP is not a sole-source procurement



53

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Sole-Source Procurements
M.G.L. c. 30B, § 7

- Sole-source procurements of any amount are allowed for:
 - Educational materials, library books, and software maintenance if only one practicable source
 - Regulated utilities: water, gas, electricity, sewer, and telephone if only one practicable source

54

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Sole-Source Procurements
M.G.L. c. 30B, § 7

- Otherwise, sole-source procurements are allowed only for contracts of not more than \$50,000
- Before making a sole-source procurement:
 - Conduct a reasonable investigation to determine whether competition exists
 - Document in writing that only one practicable source for the supply or service exists

55

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Sole-Source Procurements
M.G.L. c. 30B, § 7

- A sole-source procurement is NOT allowed on procurements of more than \$50,000 except for:
 - Library books
 - School textbooks
 - Software maintenance, and
 - Regulated utilities (gas and electric)



56

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Sole-Source Procurements
M.G.L. c. 30B, § 7

- Record of sole-source procurement must include:
 - Vendor name
 - Contract amount and type
 - List of supplies or services procured
 - Basis of determination that only one practicable source exists

57

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Chapter 30B
RECORDKEEPING REQUIREMENTS

- Retain all written records required by Chapter 30B for six years from the date of final payment under the contract.
- All records available for public inspection
 - Exception: proposals submitted in response to a Chapter 30B request for proposals for supplies or services remain confidential until after the evaluations are completed

58

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Chapter 30B
INVALID CONTRACTS

- Any contract awarded in violation of Chapter 30B is invalid [M.G.L. c. 30B, § 17]
 - No payments may be made, even if supplies or services have been delivered
 - Minor informalities will not invalidate a contract



59

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Chapter 30B
BID SPLITTING

- You may not split or divide a procurement for the purpose of evading a M.G.L. c. 30B requirement



60

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Office of the Inspector General
SUPPORT SERVICES

Phone Numbers

- (617)727-9140 (IGO Front Desk)
- (617)723-2334 (fax)
- (617)722-8838 (30B Line)

“30B Staff Member of the Day”

- Daily 9:00 a.m. to 4:30 p.m.
- The Procurement Bulletin
- Quarterly newsletter
- Website: www.mass.gov/ig



©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Office of the Inspector General
SUPPORT SERVICES

- The Chapter 30B Manual: Legal Requirements, Recommended Practices, and Sources of Advice for Procuring Supplies, Services, and Real Property
 - Download at www.mass.gov/ig
 - Purchase from State Book Store (617-727-2590)
 - Attend advanced MCPPO seminar on Supplies and Services Contracting



©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Office of the Inspector General
SUPPORT SERVICES

- Other OIG publications:
 - Practical Guide to Drafting Effective Invitations for Bids and Requests for Proposals for Supplies and Services
 - Designing and Constructing Public Facilities
 - The Procurement Bulletin: A quarterly newsletter



©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

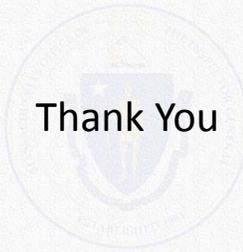
Office of the Inspector General
SUPPORT SERVICES

- Practical Guide to Drafting Effective Invitations for Bids & Requests for Proposals for Supplies & Services
 - The Guide provides general tips for creating an IFB, a model IFB, and instructions on how to modify the IFB model to create an RFP. This model is not the only way to organize an IFB/RFP, but is provided as one suggested format.
 - You can download an electronic copy of the Guide or view an online version of each section of the Guide by visiting:
<http://www.mass.gov/ig/publications/guides-advisories-other-publications/online-guide-to-drafting-ifbs-rfps-for-supplies-services.html>

64

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig

Questions?


Thank You

65

©Massachusetts Office of the Inspector General — One Ashburton Place, Room 1311 — Boston, MA 02108 — 617.727.9140 — www.mass.gov/ig
