



CAMBRIDGE
REDEVELOPMENT
AUTHORITY

PROCUREMENT POLICY
Proposed Amendment
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Cambridge Redevelopment Authority

PROCUREMENT POLICY

Amendment Proposal May 15, 2024

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ARTICLE ONE: POLICY AND OBJECTIVES

1.1 Policy Statement

It is the policy of the Cambridge Redevelopment Authority (the “CRA”) that all procurements for services and materials will be in accordance with applicable legal requirements and the CRA’s internal controls, while at the same time promoting administrative flexibility and other organizational goals. Specific goals the CRA intends to promote by adopting the procurement policies and procedures set forth herein (collectively, the “Procurement Policy”) include, but are not limited to, the following:

Fairness and objectivity: providing a fair, objective, and equitable selection and contracting environment for all individuals and firms seeking to do business or contracting with the CRA and in instances where the CRA is purchasing goods and services from others;

Ensuring reasonable costs: promoting competition, and negotiating (where applicable) to ensure that the CRA receives the best value and most favorable terms in its contracts;

Efficiency: ensuring that supplies and services (consultant, construction, social services, etc.) are obtained efficiently and effectively;

Accountability: promoting accountability of contracting actions by the CRA employees and encouraging employees to protect the CRA’s resources and financial and other interests;

Value-added procurement: facilitating a procurement process that provides service and value to the CRA in obtaining goods and services.

Ethical standards: ensuring that the CRA’s procurement activities are implemented with the highest regard for integrity, avoidance of conflicts of interest, and are consistent with applicable ethical standards;

Diversity, equity, and inclusion: promoting opportunities for contracting to traditionally marginalized populations through selection and support of women and minority-owned businesses when permitted by Legal Requirements;

Sustainability: practicing environmentally preferable purchasing and encouraging these practices with vendors; and

Legal considerations: complying with all Legal Requirements, as defined below.

1.2 Scope

General

This Procurement Policy governs the following:

Procuring, purchasing, contracting, leasing, or renting by the CRA for goods, supplies, services, construction and materials, except as provided below;

Disposition of concessions; and

Sale or disposal of surplus material and equipment.

Exclusions

The following will not be governed by this Procurement Policy and will be addressed on a procurement-by-procurement basis consistent with Legal Requirements and ethical standards:

Real estate leases and purchase and sale transactions;¹

Procurements for contracts with labor relations representatives, lawyers, and certified public accountants,² although the CRA in its discretion may choose to follow any of the procedures set forth in this Procurement Policy with respect to such contracts;

Grants or loans issued to the CRA, including applications for the same;

Grants or loans issued by the CRA as an element of a Board-approved community revitalization program;

Employment selection and agreements;

Banking services; and

¹ The CRA is exempt from M.G.L. c. 30B ("Chapter 30B") when engaged in the sale, lease or acquisition of residential, institutional, industrial or commercial property in accordance with an approved plan. M.G.L. c. 30B, § 1(b)(25). The CRA will evaluate real estate transactions on a case-by-case basis, using an open and transparent procurement process consistent with individual project goals.

² These contracts are exempt from Chapter 30B. M.G.L. c. 30B, § 1(b)(15).

Selection of affordable housing tenants and buyers.

1.3 Compliance and Alignment with Legal Requirements

Compliance with Legal Requirements

It is the policy of the CRA that all procurement for services and/or materials will be in accordance with applicable federal, Commonwealth of Massachusetts (“State”) and local laws, codes and regulations (collectively, the “Legal Requirements”). In the event of a conflict between this published Procurement Policy and any Legal Requirement, the Legal Requirement will prevail.

Changes in Legal Requirements

In the event a Legal Requirement is modified or eliminated, or a new Legal Requirement is adopted, this Procurement Policy will be deemed automatically amended to include such new or revised Legal Requirement as applicable. Without limiting the foregoing, this Procurement Policy also will be deemed automatically amended to be aligned with any changes to the thresholds and procedures established by M.G.L. c. 7C §§ 44-58; c. 30, § 39M; c. 30B; c. 149; and c. 149A, regardless of whether those changes apply a more or less stringent standard.

Funding Sources

The CRA receives funds from federal, state, and private sources. The CRA shall ensure compliance with applicable Legal Requirements related to funding sources without necessarily imposing a higher standard than is necessary to ensure such compliance. Without limiting the foregoing, contracts not funded with federal funds will not be bound by Legal Requirements that apply only to the procurement of federally-funded contracts.

Nothing in this Procurement Policy will prevent the CRA from complying with the terms and conditions of any grant, contract, gift, or bequest that is otherwise consistent with Legal Requirements.

ARTICLE TWO: AUTHORITY AND INTERNAL CONTROLS

2.1 Chief Procurement Officer

The Chief Procurement Officer (“CPO”) shall be the Director of Finance and Operations or, in their absence, the Executive Director or their designee(s), all of whom shall be trained by and obtain certification from the Massachusetts Inspector’s General Office. All CRA employees shall work through or under the direction of the CPO when procuring services and materials.

The CPO shall have the duty of ensuring the following:

That all procurements are in compliance with applicable Legal Requirements, the CRA’s internal controls, and this Procurement Policy;

That each proposed procurement is reviewed by the CRA employee responsible for originating the procurement with the goal of avoiding the purchase of unnecessary or duplicative items; that consideration be given to the consolidation or separation of procurement in order to obtain a more economical purchase; and that an analysis of lease options versus purchase alternatives be considered in order to ensure the most economical approach or most advantageous to the CRA.

2.2 Delegation of Procurement Authority

The Board of Directors of the CRA (the “Board”) hereby delegates to the CPO the authority to implement and manage this Procurement Policy as follows, with the authority to subdelegate any and all such authority within the CPO’s discretion:

At the CPO’s discretion, to solicit and enter into leases of equipment for periods not to exceed three consecutive years, including the term of any renewal, extension or option, irrespective of the total monetary amount of the procurement.

At the CPO’s discretion, to solicit and enter into all contracts for goods and services for a term of up to three years and in an amount up to the limit then established by M.G.L. c. 30B, § 4 for procurement of contracts by the exercise of sound business practices (up to \$9,999.99 at the time of publication of this Procurement Policy);³

With the written approval of the Chair of the Board, to solicit and enter into all contracts for goods and services for a term of up to three years and in an amount up to the limit then established by M.G.L. c. 30B, § 4 for procurement of contracts by solicitation of

³ See M.G.L. c. 30B, § 2 (defining “sound business practices” as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes”)

written bids (up to \$50,000 at the time of publication of this Procurement Policy).

With the approval of the Board, to solicit and enter into contracts for goods and services in an amount above the limit then established by M.G.L. c. 30B, § 4 for procurement of contracts by solicitation of written bids (over \$50,000 at the time of publication of this Procurement Policy).

To solicit and enter into lawful amendments and change orders with respect to existing contracts for goods and services,⁴ all at the CPO's discretion except as follows:

- Written approval of the Chair of the Board will be required for any amendment or change order that would extend the term of the contract beyond three years or cause the total amount of the contract to exceed the limit then established by M.G.L. 30B, §4 for procurement of contracts by the exercise of sound business practices (up to \$9,999.99 at the time of publication of this Procurement Policy);
- Approval of a majority of the Board will be required for any amendment or change order that would extend the term of the contract beyond three years or cause the total amount of the contract to exceed the dollar limit then established by M.G.L. c. 30B, §4 for procurement of contracts by solicitation of written bids (up to \$50,000 at the time of publication of this Procurement Policy); and
- Approval of a majority of the Board will be required for any amendment or change order that would cause the total cost of a Board-approved project to exceed the project budget (including contingencies) established by the Board.

The foregoing authority levels referencing M.G.L. c. 30B, §4 shall apply regardless of whether the contract at issue is subject to M.G.L. c. 30B.

2.3 Use of Standard Contract Templates

The CRA will utilize its standard contract templates as applicable for all procurements subject to this Procurement Policy unless the CPO determines that it is in the CRA's best interest to utilize a contract or service agreement offered by the contractor.

⁴ The CRA ordinarily may not increase the total contract price of any contract procured under M.G.L. c. 30B, by more than 25%. See M.G.L. c. 30B, § 13(r4). See also M.G.L. c. 30, § 39I (authorizing changes to construction projects where deviations from original plans are explained, where they do not damage the project as a whole, and where they are in the CRA's best interests); and §§ 39N-39O (adjustment of price of construction projects where field conditions differ substantially from the original construction plans or where the awarding authority suspends work for 15 days or more).

2.4 Internal Controls

The CRA shall maintain a system of internal controls, which shall include:

- Delegation of procurement authority;
- Segregation of duties;
- Receipt of goods and services;
- Measures to help prevent theft and unauthorized use, acquisition or disposal of its assets;
- Recording financial transactions; and
- Recordkeeping of contract solicitation.

ARTICLE THREE: ETHICAL STANDARDS

3.1 Prohibition Against Conflicts of Interest

No CRA Board member or employee shall participate in the selection, award, or administration of a contract if a conflict of interest (direct or indirect financial interest, personal involvement, or other interest), real or apparent, would be involved. "Participation" shall include, but not be limited to: serving on an evaluation panel to select a firm; reviewing, endorsing, or recommending an award or selection; or approving or rejecting an award of a contract or purchase order.

No CRA Board member or employee shall own or hold an interest in any contract or property or engage in any business, transaction, or professional or personal activity that would:

Be, or appear to be, in conflict with the Board member's employee's official duties; or

Secure, or appear to secure, an unwarranted privilege or advantage for the Board member or employee, or an immediate family member of the same; or

Prejudice, or appear to prejudice, the Board Member's or employee's independence of judgment in the exercise of their official duties relating to the CRA.

No CRA Board member or employee shall knowingly use confidential information of the CRA or of any other party participating in a CRA procurement (including but not limited to contractor bid or proposal information and source selection information) for the actual or anticipated personal gain of such Board member or employee, any immediate family member of such Board member or employee, or any person other than the person owning or disclosing such confidential information.

3.2 Gifts and Gratuities

No CRA Board member or employee shall solicit or accept gifts, entertainment, gratuities, favors, or anything of monetary value from vendors, contractors or subcontractors, or potential vendors, contractors or subcontractors that could influence, or be perceived to influence, contracting or purchasing decisions.

Exception: In general, a nominal gift of less than \$50.00 in value that was not solicited by a CRA Board member or employee, and which can be and is shared with all CRA employees and/or the public, may be considered acceptable. CRA Board members and employees are expected to exercise good judgment before accepting any gift, and to check with the CPO or the Board Chair if in doubt.

3.3 Contracting with Former CRA Board Members and Employees

Within one year after a CRA Board member or employee leaves the CRA, the CRA shall not contract with such former Board member or employee if the individual was responsible for formulating policy or influencing decisions with respect to the project(s) being contracted for. Notwithstanding the foregoing, for good cause and upon written request, the one-year prohibition may be waived as to a former employee of the CRA if a majority of the Board approves the waiver.

3.4 Disciplinary Actions

Breaches of this chapter of the Procurement Policy may result in suspension or removal of a Board member and disciplinary actions against a CRA employee up to and including termination consistent with the CRA's Personnel Policy.

ARTICLE FOUR: DIVERSITY, EQUITY AND INCLUSION IN CONTRACTING

The CPO and the Board will take affirmative steps to encourage the use of women and minority-owned businesses (W/MBEs), businesses owned by economically disadvantaged persons, and small businesses as contractors, subcontractor's consultants, and service providers. CRA staff shall make reasonable efforts to identify and solicit bids and proposals from such entities when conducting procurements subject to this Procurement Policy. Without limitation, the CPO and the Board also may require the CRA and its staff to take any steps required or recommended by the

City of Cambridge in connection with disparity study reports conducted by or for the City.⁵

ARTICLE FIVE: SUSTAINABILITY

The CRA will incorporate the following factors when writing specifications for, or procuring, materials and products.

Environmental factors to be considered include, but are not limited to, the life cycle assessment of:

- Pollutant releases
- Toxicity, especially the use of persistent, bioaccumulative, and toxic (PST) chemicals
- Waste generation
- Greenhouse gas emissions
- Energy consumption
- Depletion of natural resources
- Impacts on biodiversity

While not all factors will be incorporated into every purchase, it is the intent of this policy that CRA employees will make a good faith effort to incorporate and balance these factors to the maximum extent possible.

ARTICLE SIX: PROCEDURES REQUIRED UNDER STATE PROCUREMENT STATUTES

6.1 Scope of this Article

This Article and the procedures set forth herein apply only to contracts that are subject to the thresholds and procedures established under M.G.L. c. 7C, c. 30, c. 30B, c. 149 and c. 149A (collectively, “State Procurement Statutes”).

6.2 Terms Applicable to All Sections of this Article

Bid Splitting

“Bid-splitting” is illegal under State procurement law, and the CRA will refrain from “bid-splitting” to avoid thresholds under applicable State Procurement Statutes. Certain

⁵ See, for example, City of Cambridge Massachusetts Disparity Study Report (October 2023), available at https://www.cambridgema.gov/-/media/Files/CDD/EconDev/disparitystudy/cambridgemafulldisparitystudyfinalreport_122023.pdf.

unexpected small expenses sometimes make good business sense and are not problematic; however, to purposely purchase items over time and under the procurement thresholds established by State Procurement Statutes is illegal.

Changes in State Procurement Statutes

This Procurement Policy will be deemed automatically amended to be aligned with any changes to the thresholds and procedures established by State Procurement Statutes, regardless of whether those changes apply a more or less stringent standard.

Adoption of More Stringent Requirements

On a procurement-by-procurement basis, the CRA at its discretion may adopt thresholds and procedures for procurement of goods and services that are more stringent than those established by State Procurement Statutes. By way of example and without limitation:

The Invitation for Bids (“IFB”) method, which is suitable for use when the CRA’s primary goal is to obtain the lowest price from a qualified bidder, is required under M.G.L. c. 30B when the estimated cost of services or goods to be provided by the subject contract is over a statutorily-established limit (\$50,000 at time of publication of this Procurement Policy). At its discretion, the CRA may use all or any of the features of the IFB methodology for lower-priced contracts when the CRA determines that this method would be in the CRA’s best interest.

At its discretion, the CRA may choose to exceed notice and publication requirements under State Procurement Statutes by utilizing appropriate listing services, professional websites and relevant City and State bidders lists, including but not limited to lists of contractors certified by the Office of Supplier Diversity

Waiver of Informalities

To the fullest extent permissible by law, and regardless of whether the procurement in question is subject to M.G.L. c. 30B, the CPO shall waive or allow a bidder to correct any minor deviations, insignificant mistakes, and matters of form rather than substance of the bid, proposal, or contract document which can be waived or corrected without prejudice to other offerors, potential offerors, or the CRA. (Reference M.G.L. c. 30B, §§ 2 & 5(f).)

Cancellation or Rejection of Invitation for Bids, Request for Proposals or Other Solicitation

To the fullest extent permissible by law, and regardless of whether the procurement in question is subject to M.G.L. c. 30B, the CPO may cancel an invitation for bids, a request for proposals, or other solicitation, or may reject in whole or in part any and all bids or proposals, when the CPO determines that cancellation or rejection serves the best

interests of the CRA In such case, the CPO shall state, in writing, the reason for a cancellation or rejection. (Reference M.G.L. c. 30B, § 9.)

6.3 Procurement of Goods and Services Other than Design Services (M.G.L. c. 30B)

For informational purposes only, see the following:

- Office of Inspector General (OIG)'s charts (November 2022 revision), attached at Exhibit A; and
OIG's "Chapter 30B Manual: Procuring Supplies, Services and Real Property," available at <http://www.mass.gov/ig>.

The CPO shall confirm whether the procurement is exempt from public bidding under M.G.L. c. 30B, Sec. 1. For informational purposes only, refer to Appendix A of the OIG's Chapter 30B Manual, which includes a list of statutory exemptions.

Bidding Thresholds

Procurements estimated to be under the threshold established by M.G.L. c. 30B, § 4(c) (up to \$9,999.99 at the time of publishing this Procurement Policy) may be conducted using sound business practices.

Procurements estimated to be within the thresholds established by M.G.L. c. 30B, § 4(a) (from \$10,000 to \$50,000 at the time of publishing this Procurement Policy) require the solicitation of at least three quotes.

Procurements estimated to be above the threshold established by M.G.L. c. 30B, § 5(a) (greater than \$50,000 at the time of publishing this Procurement Policy) require either an Invitation for Bid ("IFB") or a Request for Proposals ("RFP").

All draft IFBs and RFPs must be submitted to the CPO for review and approval before issuance.

IFBs and RFPs must be published in a local newspaper, listed on COMMBUYS, and the *Central Register*, posted as a notice on the CRA's website and posted in a conspicuous place in or near the CRA's primary office

When using an RFP, the CPO will consider which specific procedures it may be in the CRA's interest to adopt for evaluation of responses and selection of finalists, such as conducting interviews of finalists or allowing finalist presentations. At their discretion, the CPO may establish a committee for the purpose of evaluating proposals. Committee members, who need not be CRA employees, will be bound by Article Three of this Procurement Policy (Ethical Standards).

When using an IFB, the CRA may negotiate the contract price for goods or services downward (or upward in the case of a revenue-generating contract) to the responsive and responsible bidder who offers the best price, but the CRA may not negotiate any change to the purchase description, scope of services or contract terms and conditions.

At its discretion, the CRA may incorporate quality requirements in any IFB to discourage less qualified vendors.

Procurements estimated to be above the threshold established by M.G.L. c. 30B, § 5(c)(5) (\$100,000 or more at time of publication of this Procurement Policy) also must be published in the Commonwealth's Goods and Services Bulletin.

Disposal of Surplus Property

The CPO, or their designee, shall be responsible for the disposition of surplus property (non-real property) no longer necessary for the CRA's purposes and shall establish procedures for the transfer, sale, or disposal of such property, consistent with applicable laws.

The CPO is authorized to donate, recycle or dispose of office furniture and equipment with an estimated net resale value of less than \$1,000 in a manner that minimizes the CRA cost and maximizes potential reuse value of equipment to the public.

The CPO is authorized to dispose of surplus supplies and equipment with an estimated net resale value of at least \$1,000 but within the dollar limit then established by M.G.L. c. 30B, §15(f) (under \$10,000 at the time of publication of this Procurement Policy) by a public bid or auction process at the discretion of the CPO.

Disposal of surplus supplies with an estimated net resale value at or above the threshold then established by M.G.L. c. 30B, §15(f) (\$10,000 at the time of publication of this Procurement Policy) must follow a bid or auction process prescribed by M.G.L. c. 30B . Public notice must include the items for sale, location and method of inspecting, the terms and condition of the sale, and notification that the CRA retains the right to reject any or all bids. The CPO may partner with auction professionals, use online resources, or any other such resource to secure the best return possible, so long as the process complies with Chapter 30B.

Sole-Source Procurement

A "sole-source" procurement is a purchase of supplies or services without advertising or competition.

The CRA may make sole-source procurements of any supply or service estimated to be within the limit established by M.G.L. c. 30B, § 7 (under \$50,000 at the time of publication of this Procurement Policy) when a reasonable investigation shows that there is only one practicable source for the required supply or service. The determination by the CPO that only one practicable source for the supply or service exists must be in writing.

All sole source procurements for contracts estimated to be in the amount of \$10,000 or above, must be approved by the Chair or the Board.

The CRA may purchase software maintenance in any amount if it determines in writing, after a reasonable investigation, that there is only one practicable source for the items.

The CRA may purchase water, gas, electricity, sewer, telephone, and internet services in any amount without competition from a regulated industry company if it determines in writing that there is only one practicable source for the services.⁶

The CRA can accept a single quote, bid, or proposal submitted in response to a solicitation for three or more quotes, bids, or proposals, as described above. Receiving one response is not the same as making sole-source procurement. Before accepting such a single response, the CRA will document its efforts to solicit three or more responses.

Collective and Collaborative Purchasing Opportunities

The CRA may utilize collective purchasing opportunities as allowed under Chapter 30B. The contracts resulting from these contracts comply with Chapter 30B and in some instances may be used without following a local quote or bid process.

COMMBUYS - The Commonwealth's Operation Services Division (OSD) procures and awards a number of statewide contracts that may be available to the CRA. Although listed on the COMMBUYS portal, some contracts may require the solicitation of multiple quotes.

Emergency Procurement Procedures

⁶ For an energy or energy-related contract, the CRA must submit a copy of the contract within 15 days of execution and a report of the process used to execute the contract to the Department of Public Utilities, the Department of Energy Resources, and the Office of Inspector General. M.G.L. c. 30B, § 1(b)(33).

If the time required to comply fully with Chapter 30B requirements would endanger the health or safety of people or their property due to an unforeseen emergency, the CRA may procure the needed item or service without complying with the Chapter 30B requirements. The CRA may procure only those supplies or services necessary to meet emergency needs as defined in the Legal Requirements and will comply with Chapter 30B to the extent possible while attending to the emergency.

Record Keeping

For all contracts over the threshold established by M.G.L. c. 30B, § 17(a) (\$10,000 as of the time of publishing this Procurement Policy), the contract must be in writing and written records must be maintained for a period of six years from the date of the final payment under the contract.

6.4 Procurement of Public Works Construction (M.G.L. c. 30, § 39M)

For informational purposes only, see the following:

- Office of Inspector General (OIG)'s charts (November 2022 revision), attached at Exhibit A;
- OIG's "Designing and Constructing Public Facilities," is available at <http://www.mass.gov/ig>.

Bidding Thresholds

Procurements estimated to be under the threshold established by M.G.L. c. 30, § 39M(a) (up to \$9,999.99 at the time of publishing this Procurement Policy) may be conducted using sound business practices.⁷

Procurements estimated to be within the thresholds established by M.G.L. c. 30, § 39M(a) (between \$10,000 and \$50,000 at the time of publishing this Procurement Policy) require the solicitation of at least three (3) written quotes. The CRA also must post a notice at least two (2) weeks before responses are due (i) on the CRA's website; (ii) on COMMBUYS; (iii) in the *Central Register*; and (iv) in a conspicuous place near the CRA's offices.⁸

Procurements estimated to be above the threshold established by M.G.L. c. 30, § 39M(a) (above \$50,000 at the time of publishing this Procurement Policy) require the use of

⁷ For such contracts, "An awarding authority that utilizes a vendor or statewide contract procured through the operational services division, or a blanket contract procured by the awarding authority pursuant to this section, shall be deemed to have obtained the contract through sound business practices." M.G.L. c. 30, § 39M(A).

⁸ For public works contracts estimated to cost no more than the threshold established by M.G.L. c. 30B (\$50,000 at time of publication of this Policy), and to procure construction materials of any amount to be used for a specific project, the CRA also may be able to utilize the sealed bids procedure established by M.G.L. c. 30B, § 5.

sealed bids. At least one (1) week before bids are due the CRA must post a notice in its office. At least two (2) weeks before bids are due, the CRA must publish in (i) the *Central Register*, (ii) a newspaper, and (iii) on COMMBUYS.

Bonding and Deposit Thresholds

A fifty percent (50%) payment bond is required if the contract exceeds the threshold established by M.G.L. c. 149, § 29 (\$25,000 at the time of publishing this Procurement Policy).

A deposit of five percent (5%) of the contractor's bid is required if the amount of the contract exceeds the threshold established by M.G.L. c. 30, § 39M(a) (\$50,000 at the time of publishing this Procurement Policy).

Emergency Procurement Procedures

In case of extreme emergency,⁹ the CRA may enter into public works construction contracts without public bidding as needed to temporarily repair and restore service, or to preserve the health and safety of persons or property. No permanent reconstruction, alteration, remodeling or repair of any public work will be allowed under such an emergency procurement.

6.5 Procurement of Building (Non-Public Works) Construction (M.G.L. c. 149)

For informational purposes only, see the following:

- Office of Inspector General (OIG)'s charts (November 2022 revision), attached at Exhibit A;
- OIG's "Designing and Constructing Public Facilities," available at <http://www.mass.gov/ig>;
- OIG's "Chapter 30B Manual: Procuring Supplies, Services and Real Property," available at <http://www.mass.gov/ig>

Bidding Thresholds

Procurements estimated to be under the threshold established by M.G.L. c. 149, § 44A(2)(A) (under \$10,000 at the time of publishing this Procurement Policy) may be conducted using sound business practices.

Procurements estimated to be within the thresholds established by M.G.L. c. 149, § 44A(2)(B) (between \$10,000 and \$50,000 at the time of publishing this Procurement Policy) require the solicitation of at least three (3) written quotes. The CRA also must post

⁹ Such emergency must be "(1) caused by enemy attack, sabotage or other such hostile actions or (2) resulting from an imminent security threat[,] explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophe". M.G.L. c. 30, § 39M(a).

a notice at least two (2) weeks before responses are due (i) on the CRA's website; (ii) on COMMBUYS; (iii) in the *Central Register*; and (iv) in a conspicuous place near the CRA's offices.

Procurements estimated to be within the thresholds established by M.G.L. c. 149, § 44A(2)(C) (above \$50,000 up to \$150,000 at the time of publishing this Procurement Policy) require the use of sealed bids in accordance with procedures set forth in M.G.L. c. 30, § 39M. The IFB must contain certain standard forms developed by the Office of Inspector General and reference or attach the prevailing wage sheet from the Department of Labor Standards.

Procurements estimated to be over the threshold established by M.G.L. c. 149, § 44A(2)(D) (over \$150,000 at the time of publishing this Procurement Policy) require the use of sealed bids in accordance with the procedures set forth in M.G.L. c. 149, §§ 44A-44J. The CRA must post a notice in its office for at least one (1) week before bids are due and, at least two (2) weeks before bids are due must advertise (i) in the *Central Register*, (ii) in a newspaper, and (iii) on COMMBUYS. The IFB must contain certain standard forms developed by the Office of Inspector General and reference or attach the prevailing wage sheet from the Department of Labor Standards. Filed sub-bids also will be required for sub-bids over the threshold established by M.G.L. c. 149 (over \$25,000 as of the time of publishing this Procurement Policy).

Additionally, procurements estimated to be over the threshold established by M.G.L. c. 149 (over \$10 million at the time of publishing this Procurement Policy) require prequalification as provided below.

Sub-Bidder Submissions

Each subcontractor whose work falls under a filed sub-bid category of work and is estimated to cost more than \$25,000 must submit sub-bids directly to the CRA. Subcontractors may submit unrestricted sub-bids, meaning that their sub-bids are available for use by any general contractor, or they may restrict their sub-bids to or from the use of specific general contractors.

The CRA will provide a list of eligible sub-bidders and their sub-bids to all interested contractors.

Each general contractor must select, in each sub-bid category, the subcontractor it wishes to use (provided that the subcontractor did not restrict its sub-bid from a specific general contractor's use). A general contractor may also submit a filed sub-bid, provided that the general contractor has been certified by DCAMM in the sub-bid category of work, customarily performs the work covered by the sub-bid category with its own employees and is qualified to perform that work.

Bonding and Deposit Thresholds

A fifty percent (50%) payment bond is required if the contract exceeds the threshold established by M.G.L. c. 149, § 29 (\$25,000 at the time of publishing this Procurement Policy).

A one hundred percent (100%) payment bond is required if the contract exceeds the threshold established by M.G.L. c. 149 (\$25,000 at the time of publishing this Procurement Policy).

A one hundred percent (100%) performance bond is required if the contract exceeds the threshold established by M.G.O. c. 149 (over \$150,000 at the time of publishing this Procurement Policy).

A deposit of five percent (5%) of the contractor's bid is required if the amount of the contract exceeds the threshold established by M.G.L. c. 149 (\$150,000 at the time of publishing this Procurement Policy).

Bidder and Sub-Bidder Certifications

If required by the Legal Requirements, each bidder and sub-bidder must provide, at the time of bid submission, a Certificate of Eligibility issued by the Division of Capital Asset Management and Maintenance ("DCAMM"), pursuant to M.G.L. c. 149, § 44D, and an Update Statement listing recent and current projects, any significant changes in financial position, relevant litigation involving the bidder, and the names and qualifications of the supervisors proposed for the project. (At the time of publication of this Procurement Policy, for contracts over \$150,000, all general bidders and all filed-sub-bidders over \$25,000 must be certified.)

The CPO or their designee may develop, as part of bidding documents, specific and objective qualification requirements for the bidder or sub-bidder beyond the DCAMM Certification Requirements that may be used in evaluating whether a bidder or sub-bidder is responsible and capable of performing the proposed work.

Bidder and Sub-Bidder Prequalification

If required by the Legal Requirements, the CRA shall solicit statements of prequalifications prior to soliciting sealed bids. (At the time of publishing this Procurement Policy), prequalification statements are required for contracts over \$10,000,000.)

At the CPO's discretion on a procurement-by-procurement basis, the CRA also may require statements of prequalifications for contracts requiring sealed bids (over \$150,000

at the time of publication of this Procurement Policy) where such statements are not mandatory under M.G.L. c. 149.

The CRA shall advertise its request for qualifications at least two (2) weeks before responses are due (i) in a newspaper, (ii) in the *Central Register*, and (iii) on COMMBUYS.

Performance Evaluation Program

The CPO or their designee shall develop and implement a performance evaluation system to evaluate the performance of contractors, consultants, and/or vendors doing business with the CRA on all contracts bid under M.G.L. c. 149A and 149 § 44 (A-J), utilizing standardized DCAMM evaluation forms as required or as the CPO considers appropriate in their discretion. Negative evaluation results under this process will be used as part of future procurement award decision-making.

Emergency Procurement Procedures

If the time required to comply fully with Chapter 149's requirements would endanger the health or safety of people or their property due to an unforeseen emergency, the CRA may submit a written request to DCAMM for waiver of public notice or bidding requirements. The prior approval of DCAMM is required unless the urgency of the situation makes it impossible to contact DCAMM in advance. If DCAMM approves the waiver, the CRA may procure only those supplies or services necessary to meet emergency needs as defined in the Legal Requirements. The CRA will attempt to solicit informal quotations or bids as possible under the circumstances. Other Chapter 149 requirements, including prevailing wage requirements, will still apply to the contract.

6.6 Procedures for Designer Selection (Building Construction and Design-Build Projects) Under the Designer Selection Law (M.G.L. c. 7C, §§ 44-57)

Background

As required by M.G.L. c. 7C, § 54(a), the CRA has adopted the following procedures for the procurement of contracts for design services that are subject to M.G.L. c. 7C, §§ 44-57 (the "Designer Selection Law"). The Designer Selection Law establishes a qualifications-based selection process for certain design services contracts. At the time of publication of this Procurement Policy, this process only applies where, among other things, the estimated construction cost of the project is \$300,000 or more and the design fee is \$30,000 or more. (M.G.L. c. 7C, § 54(f).)

Except for design-build projects procured under M.G.L. c. 149A, the Designer Selection Law does not apply to the selection of designers for public works (non-building) construction projects.

When participating in the design of affordable housing with state funds, the CRA also must follow the procedures established by the Massachusetts Executive Office of Housing and Livable Communities (“EOHLC”) for the Design of State-Funded Housing. The EOHLC’s procedures follow Designer Selection Law processes and prescribe the role of EOHLC and of the local authority in the selection process.

Applicability

The following procedures apply to procurement of Design Services contracts subject to the Designer Selection Law. For purposes of these procedures, Design Services include preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates or programs; preparation of drawings, plans, and specifications, including schematics and preliminary plans; supervision or administration of a construction contract; and construction management and scheduling.

For clarity, these procedures do not apply to contracts that are not subject to the Designer Selection Law. By way of example, and without limitation, these procedures do not apply to contracts that are under the dollar limits established by M.G.L. c. 7C, § 54(f) as those limits may be amended from time to time; nor do they apply to selection of designers for public works (non-building) projects, except for design-build projects procured under M.G.L. c. 149A. At its discretion, however, the CRA may adopt some or all of the foregoing procedures, in whole or in part, when soliciting contracts that are not subject to the Designer Selection Law, to the extent otherwise consistent with Legal Requirements.

Request for Qualifications

The CRA will develop a Request for Qualifications (RFQ) for each contract subject to these procedures. In connection with developing the RFQ, the CPO or their designee, in their discretion, also will consider which specific procedures it may be in the CRA’s interest to adopt for evaluation of responses and selection of finalists, such as appointing a selection committee, conducting interviews of finalists or allowing finalist presentations.

The RFQ will contain information regarding the following:

- A statement of the project scope, including the services sought;
- A list of defined deliverables;
- A timeline for producing each deliverable;
- A statement of the evaluation criteria, including those discussed below under “Selection of Finalists”;
- A copy of the Standard Designer Selection Form; and
- A statement of the set fee or not-to-exceed limit, if available. The fee or not-to-exceed limit shall be expressed in terms of fixed dollars, not as a

percentage of the construction cost.

The RFQ will include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available at www.mass.gov/dcamm. The Application Form may be amended to include additional information on a project-specific basis. In all cases, the CRA will ask all applicants for a specific project to provide the same information.

Advertising and Outreach

The CRA shall make the RFQ available to interested applicants and shall publish a notice of the RFQ, inviting application from interested designers, in a newspaper of general circulation in Cambridge, in COMMBUYS and in the Central Register at least two weeks before the deadline for receiving applications.

The published notice shall contain the following information:

- A description of the overall project, including the specific design services sought, the time period in which the project is to be completed, and the estimated construction cost, if available;
- If a study or program has been completed, a statement of when and where it is available for inspection;
- Any specific professional qualifications required for the design contract;
- Any categories of work for which the applicant must list names of the sub-consultants it plans to use;
- The times, dates and places of any proposal informational meetings and site visits, and a statement whether these meetings and site visits are required for all offerors;
- If the CRA intends to conduct interviews of finalists or allow oral presentations by finalists, the dates when such interviews or oral presentations are expected to occur and which of the designer's key personnel are expected to attend;
- Whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
- Instructions on how to obtain the RFQ and where and when to submit completed applications; and
- Whom to contact for further information.

Selection of Finalists

The CPO shall be responsible for reviewing applications and selecting and ranking finalists. The CPO may, at their discretion, appoint a committee to advise him or her in making selection and ranking decisions, in which case the following procedures will apply equally to the CPO and the selection committee. Selection committee members need not be CRA employees but will be bound by Article Three of this Policy (Ethical Standards).

Individuals who have a conflict of interest (direct or indirect financial interest, personal involvement, or other interest), real or apparent, with regard to a design firm applying for a contract may not participate in the selection process for that contract.

The CPO shall, at a minimum, take into account the following criteria in selecting and ranking finalists:

- Experience;
- Quality of work (which, at the CPO's discretion, may include consideration of information obtained by contacting references provided by the finalists);
- Public sector knowledge;
- Professional registrations and licenses;
- and
- Financial and technical resources and capacity.

The CPO, at minimum, will consider the foregoing categories as to each lead design consultant. At their discretion, the CPO may consider any and all of the foregoing categories as to any proposed sub-consultant.

The CPO shall select at least three finalists unless, after reasonable effort, fewer than three applications are received, in which case the CRA may proceed with one or two finalists. The CPO may seek additional information regarding qualifications, provided that the same information is sought from all finalists; similarly, if one finalist is given the opportunity to make a presentation or provide other proof of its qualifications, all finalists must be afforded the same opportunity.

The CPO shall prepare a written explanation of the reasons for selecting the designer that was awarded the contract, and records must be maintained for each procurement, including copies of public notices, applications received, evaluations, rankings and explanations thereof, the explanation of the selection decision, the notification of the award, and other relevant documents.

Negotiating and Finalizing the Contract

The CRA shall seek the following information from the top ranked finalist:

- The amount of time to be devoted to each phase of the project by key individuals, such as the designer's project manager;
- The hourly rates the designer will use to calculate prices for additional work that is not included in the initial scope; and
- The markup, if any, that the designer will add to costs, including sub-consultant fees, resulting from a change in the scope of work.

If the CRA has set a not-to-exceed fee limit, the CRA shall also seek a fee proposal

including an itemized breakdown of costs and fees. Upon receipt of the necessary information, the CRA may negotiate the fee, not-to-exceed fee limit, amount of time to be devoted to the project by the designer, or other factors of the contract as the CRA deems warranted.

If the negotiation is successful, the top ranked designer shall be awarded the contract. If not, the CRA shall proceed to request information from, and negotiate with, the next highest ranked designer, and continue in like fashion until negotiations are successful and a contract can be awarded.

The CRA may allow a designer who conducted a feasibility study to continue with the design of a project. However, the CRA may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to ensure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the CRA otherwise complies with the statutory requirements for selecting a designer under Chapter 7C of the General Laws, including those set forth in M.G.L. c. 7C, § 54(a)(i).

Every contract for design services shall include the following:

- Certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
- Certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
- Certification that no person, corporation, or other entity, other than a bona-fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- Certification that the designer has internal accounting controls as required by M.G.L. c. 30, § 39R(c), and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, § 39R(d).

All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of

changes in scope or services.

The CRA shall not enter into a contract for design services unless the CRA or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the CRA may require, for the applicable period of limitations. A designer required by the CRA to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the CRA prior to the award of the contract.

Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.

Emergencies

Where the Executive Director or CPO determines an emergency procurement is required to protect the health or safety of any persons or to meet a deadline for action on a project set by a federal agency, the CRA shall utilize an expedited designer selection process providing for as much competition as is reasonably possible under the circumstances. The CRA may procure only those supplies or services necessary to meet the emergency needs.

Minority and Women Owned Business Enterprises

All contracts for design services over \$100,000 shall submit documents to comply with the City of Cambridge and the Commonwealth's requirements for Minority (MBE) and Women-owned (WBE) business requirements.

The CRA adopts the City of Cambridge's commitments to contracting and sub-contracting to Minority and Women Owned Business, as they may be amended from time to time.

6.7 Owner's Project Manager (M.G.L. c. 149, § 44A ½)

For informational purposes only, see the following:

- Office of Inspector General (OIG)'s charts (November 2022 revision), attached at Exhibit A;
- OIG's "Designing and Constructing Public Facilities," available at <http://www.mass.gov/ig>.

M.G.L. c. 149, § 44A ½, requires public awarding authorities to engage the services of an owner’s project manager (“OPM”), defined as “an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of providing project management services for the construction and supervision of construction of buildings.”) on building projects estimated to cost \$1.5 million or more.

The CRA shall engage the services of an OPM prior to contracting for design services where the project is estimated to exceed the threshold established by M.G.L. c. 149, § 44A ½. The CRA also may engage the services of an OPM in other circumstances at the CPO’s discretion.

In its procurements for OPM services, the CRA shall use a qualifications-based process (without price competition). That process will duplicate or be similar to the designer selection process outlined in Section 6.5 of this Procurement Policy.

At the CPO’s discretion, a CRA employee or a City of Cambridge employee may be selected and serve as the OPM, providing they meet the required minimum qualifications.

6.8 Construction Manager At-Risk (M.G.L. c. 149A)

For informational purposes only, see the following:

- Office of Inspector General (OIG)’s charts (November 2022 revision), attached at Exhibit A;
- OIG’s “Designing and Constructing Public Facilities,” available at <http://www.mass.gov/ig>.

For public building projects of \$5 million or more, the CRA may elect to use the construction manager at-risk project delivery method (CM at-risk), which has its own procurement processes.

The CRA must procure the services of an owner’s project manager (OPM) to assist in the procurement of the design contract. The individual assigned by the OPM to provide project management services for the project must meet the experience requirements of M.G.L. c. 149A. The OPM may be a member of the CRA’s staff or may be competitively selected on the basis of qualifications, without price competition. The CRA may but is not required to follow the designer selection law in procuring OPM services.

The CRA must submit its CM at-risk procedures to the OIG annually and obtain the prior approval of the OIG before using CM at-risk on a project.

The CRA will select the CM at-risk firm in accordance with its CM at-risk procedures, which will include the following steps:

- Establish a prequalification committee;
- Prepare and advertise the request for qualifications;
- Evaluate the statements of qualifications and prequalify at least three CM at-risk firms;

Establish a selection committee;
Prepare the request for proposals (RFP) and distribute it to prequalified CM at-risk firms;
Receive, evaluate and rank the CM at-risk proposals; and
Negotiate non-fee contract terms with the selected proposer and award the CM at-risk contract.

When the design reaches the level of completion specified in the RFP, the CRA will negotiate the agreed-upon guaranteed maximum price for construction price as an amendment to its contract with the CM at-risk firm.

Procurement of subcontracts shall be in accordance with the CRA's CM at-risk procedures and M.G.L. c. 149A.

CM at-risk contracts are subject to the statutory requirements applicable to other public construction contracts, including but not limited to payment bonds.

ARTICLE SEVEN: ON-CALL CONTRACTS (INCLUDING “HOUSE DOCTOR” CONTRACTS)

The CRA may enter into agreements with one or more designers available to perform “on-call” and “as-needed” design services (also known as “House Doctor services) to maintain or improve public facilities. The CRA will follow the Designer Selection Law’s procurement procedures for such contracts where applicable. Where the Designer Selection Law is not applicable, the CRA in its discretion may but shall not be required to adopt a qualifications-based selection process resembling those set forth in Section Six.¹⁰

The CRA may enter into agreements with other providers of goods and services to provide goods and services on an “on-call” and “as-needed” basis, in accordance with applicable Legal Requirements.

Where practicable, the CRA will attempt to address emergent situations through the use of existing on-call contracts

¹⁰ Contracts with “architects, engineers and related professionals” are exempt from Chapter 30B. G.L. c 30B, § 1(b)(32A).

ARTICLE EIGHT: ELIGIBILITY TO CONTRACT WITH THE CRA

8.1 CPO Authority and Responsibility

The CPO or their designee shall take all actions necessary under Legal Requirements to assure that the CRA awards contracts only to eligible, responsible prospective contractors who have the ability to perform successfully under the terms and conditions of the proposed contract.

8.2 Determination of Responsibility of Prospective Contractor

In determining the responsibility of a bidder, the CRA shall consider such matters as the bidder's: integrity; compliance with public policy; record of past performance; and financial and technical resources (including construction and technical equipment as applicable).

Before a bid or proposal is considered for award, the bidder may be requested by the CRA to submit a statement or other documentation regarding any of the items in the paragraph above. Failure by the bidder to provide such additional information shall render the bidder nonresponsive, non-responsible, and ineligible for award.

8.3 Debarment Status Review

When applicable due to funding requirements or other Legal Requirements, the CPO shall ensure, prior to award of a contract, that the proposed contractor has not been debarred or otherwise declared ineligible for award by an applicable regulatory agency. The following non-exclusive list of sources shall be reviewed when required:

U.S. General Services Administration's "List of Parties Excluded From Federal Procurement and Non-Procurement Programs";

U.S. Department of Housing and Urban Development's "Limited Denial of Participation" List; and

"Lists of Suspended or Debarred Contractors" maintained by the Commonwealth of Massachusetts office of the Attorney General and the Division of Capital Asset Management.

8.4 Tax and Credit Records

Prior to making payment to a contractor, the CPO or their designee shall ensure that the CRA receives a W-9 or W-9 substitute form from the contractor (if not already on file from bid or proposal submissions).

At their discretion, the CPO or its designee may request a contractor to provide its Data Universal Numbering System (D-U-N-S) number as issued by Dun and Bradstreet, if the contractor has such a number.

ARTICLE NINE: DISPUTES, PROTESTS AND APPEALS

9.1 CPO Authority and Responsibility

To the fullest extent permissible by law, the CPO shall attempt to resolve all procurement-related (solicitation, award, and contractual) disputes, protests, and appeals internally without outside review by either the Office of the Inspector General (OIG) or the court system.

9.2 Protests

The following shall apply to protests (unless otherwise specified, this section will use the term “protest” to also include disputes and appeals).

The fullest extent permissible by law:

Any protest against a solicitation issued by the CRA (that is, a protest concerning the solicitation itself and not the award of a contract after the solicitation) must be received by the CPO before the bid or proposal submittal deadline, or it will not be considered;

Any protest against the award of a contract based on an Invitation for Bids (“IFB”), or appeal of a decision by the CRA to reject a bid submitted in response to an IFB, must be received by the CPO within two business days after being notified in writing of the CRA’s decision, or it will not be considered;

Award of Contract Based on Request for Proposals or Qualifications: Any protest against the award of a contract based on a Request for Proposal or Request for Qualifications, or appeal of a decision by the CRA to reject a proposal, must be received by the CPO within three business days after notification to an unsuccessful proposer that they were not selected, or it will not be considered; and

Award of Contract Based on Informal Solicitation: It shall be the responsibility of contractors, consultants and vendors to contact the CRA regarding the status of a contract to be awarded based on an informal solicitation; and any protest against such award must be received by the CPO prior to award or the protest will not be considered.

9.3 Alternative Dispute Resolution

The CPO is authorized to enter into agreements to submit disputes arising from contracts entered into pursuant to this Procurement Policy to arbitration, mediation, and other alternative dispute resolution procedures for the Commonwealth of Massachusetts.

ARTICLE TEN: RECORD MAINTENANCE AND PUBLIC ACCESS TO PROCUREMENT INFORMATION

10.1 CPO Authority and Responsibility

When applicable due to funding requirements or other Legal Requirements (e.g., 25 CFR 85.36(b)(9), and in all cases where a contract requires Board approval, CPO or their designee shall maintain records sufficient to detail the significant history of each procurement. These records may include, but are not necessarily limited to, the following: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the contract price.

10.2 Maintenance and Disposal

All procurement records will be maintained and disposed of in accordance with such CRA policies and procedures with respect to records retention and disposal as may exist from time to time.

All Chapter 30B contracts in the amount of \$10,000 or more must be maintained for a period of six years from the date of final payment under the contract.

All physical documents should be placed on file and maintained on site in the CRA office during the procurement, performance and any close out of the contract. Additionally, all pertinent documents should be scanned for digital recording or otherwise saved electronically.

The CRA will require a written contract whenever the price of goods or services provided under the contract will exceed \$10,000 in a single fiscal year.

10.3 Public Records and Access

CRA procurement information shall be a matter of public record to the extent provided in M.G.L. c. 66, et seq. and will be made available upon request as provided by such statute.

Proposals and bids to enter into any contract or agreement are not public records until the time for opening of bids in the case of proposals or bids to be opened publicly and until the time for receipt of bids or proposals has expired in all other cases. G.L. c. 4, § 7(26)(h).

For goods and services contracts over \$50,000 subject to Chapter 30B, non-price proposals will not be made public until the evaluation process is completed or until time for acceptance specified in the Request for Proposals.

For contracts subject to Chapter 149 or Chapter 149A:

- Financial information contained in a Statement of Qualifications is not a public record. G.L. c. 149, § 44D1/2(g); G.L. c. 149A, § 5(d)(5) & 8(c)(5).
- Update statements submitted by general bidders and sub-bidders are not public records, 810 CMR 8.06.
- A trade contractors' scores during the prequalification process must be made available to the trade contractor but is not a public record and must be kept confidential. G.L. c. 149A, § 8(f).

A present or former Board member, employee of, or person acting on behalf of or advising the CRA on a procurement, who has or had access to (a) Contractor Bid or Proposal Information, or to (b) Source Selection Information, shall not disclose such information before the award of the contract to which the information relates.

“Contractor Bid or Proposal Information” means information not made available to the public and includes:

Cost or pricing data;

Indirect costs and direct labor rates;

Proprietary information about processes, operations or techniques; and

Information marked by the contractor as “contractor bid or proposal information.”

“Source Selection Information” means information not made available to the public and includes:

Bid prices;

Proposed costs or prices from bidders;

Source selection and technical evaluation plans;

Technical evaluations, cost or price evaluations, competitive range determinations, rankings of bids, reports of source selection panels; and

Other information marked as “source selection” based on a determination that its disclosure would jeopardize the procurement.

Payroll reports received by the CRA from contractors and subcontractors on construction projects, for the purpose of monitoring prevailing wage requirements, shall not be released to outside parties unless the employees’ personal identifiers (e.g., name, address, social security number) are redacted.

10.4 Availability and Publication of this Procurement Policy

This Procurement Policy shall be posted and available for review on the CRA’s website and provided to all staff and Board members for use during procurement activities. This Procurement Policy will be referenced in all relevant solicitation documents.

EXHIBIT A

OFFICE OF INSPECTOR GENERAL PROCUREMENT CHARTS

(for informational purposes only)

The following charts, provided by the Massachusetts Office of the Inspector General,¹¹ summarize legal requirements under the following statutes:

- M.G.L. c. 149 – Building Construction Contracts
- M.G.L. c. 30, § 39M, or M.G.L. c. 30B – Public Works (non-building) Construction Contracts (with labor)
- M.G.L. c. 30, § 39M, or M.G.L. c. 30B – Construction Materials Procurements (without labor)
- M.G.L. c. 7C, §§ 44-58 – Design Services for Public Building Projects
- M.G.L. c. 30B – Procurement of Supplies and Services

These charts are current only as of the date of adoption of this Procurement Policy and are subject to change.

¹¹ Available at <https://www.mass.gov/doc/charts-on-procurement-procedures-effective-november-25-2022/download>.