



MEMORANDUM

To: CRA Board
From: Gardy Laurent
Director of Finance and Operations
Date: May 15, 2024
Subject: Procurement Policy Amendment

BACKGROUND

The Cambridge Redevelopment Authority (CRA) Procurement Policy was last amended and adopted in October 2017. Since its adoption, the state's procurement laws have been revised in numerous ways, particularly related to contract value thresholds. The array of procurement regulations in Massachusetts have been put in place to address fraud, waste, and abuse in the expenditure of public funds. In May 2023, the Office of the Inspector General (OIG) released a new Chapter 30B Manual for procuring supplies, services, and real property. To ensure compliance with many of the regulations and rules, the CRA engaged the Law Office of Jeffrey S. Follett in Fall 2023 to assist in revising and updating our existing procurement policy. The CRA Procurement Policy defines roles within the organization and sets procedures for contractor selection. The policy does not restate all the details of the state regulations but provides contextual overview of the CRA policies and procedures, and serves as a handbook to assist staff with contracting processes.

SUMMARY OF PROCUREMENT POLICY AMENDMENT

This memorandum summarizes the new proposed procurement policy for adoption. Given the extensive revisions and reorganization, a full redline of the previous policy document has not been provided. The most significant sections of the revisions are highlighted below.

- The new procurement policy document eliminates previous procurement charts referencing the state spending thresholds back in 2016 because these limitations are often changed by the OIG.
- The Chief Procurement Officer (CPO) role is designated to the Director of Finance and Operations (DFO) with the Executive Director (ED) as a designee during the absence of the DFO (Note: This policy revision was previously approved by the board). The section further defines the duties of the CPO and the delegation of procurement solicitation.
- The policy expands on the list of contract exemptions under Chapter 30B manual Appendix A.
- The document provides more emphasis on conflict of interest in selecting, awarding, and the administration of contracts that apply to both employees and board members.

- Under the DEI section, the paragraph is reworded to include all types of contracts in connection with the City of Cambridge disparity study report.
- A new section on environmental sustainability was added that includes factors to be considered in contracting such as minimizing the generation of waste and hazardous materials and reducing the consumption of energy.
- A section on “Bid Splitting” was added emphasizing that it is an illegal method of procurement.
- An update was made to the Disposal of Surplus Property to reflect current procurement laws under Chapter 30B section 15(f).
- The paragraph on Sole Source procurement was updated to include software maintenance.
- A new section on collective and collaborative purchasing opportunities was added to highlight that the CRA is allowed to procure supplies and services through the Massachusetts Combuys statewide contracts.
- Procedures for emergency procurement were added for each type of procurement type (Ex: M.G.L Chapter 30B, Chapter 30B Section 39M, Chapter 149, Chapter 149A, and Chapter 7C)
- Updated procedures for the Designer Selection threshold as it relates to the Massachusetts Executive Office of Housing and Livable Communities.
- A new section for Construction Manager At-Risk (M.G.L C.149A) was added should the CRA utilize this construction method which has its own procurement processes under state laws.
- A section for on-call contracts was added including “House Doctor” contracts for engineering, architect, and other maintenance services.
- Clarifications were made to the recordkeeping section defining what records are not to be made public for Ch.149 or Ch.149A procurements.

With the changes and updates mentioned above, the CRA is proposing a board motion to approve the amendments as described and adopt the revised CRA Procurement Policy.

PROPOSED MOTION

Draft Motion: *Approving the amended and restated CRA Procurement Policy*