



**City of Beverly**  
**Community Preservation Committee**  
c/o Planning and Development Department  
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CPC Website: <https://www.beverlyma.gov/409/Community-Preservation-Committee>

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**2021-2022 CPA Round 9 Application Process**  
**Information and Instructions**

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## **I. Introduction to the Beverly CPA and CPA Application Process**

### **What is the history of the Community Preservation Act in Beverly?**

In the November 2012 election Beverly voters adopted the Community Preservation Act (CPA). The CPA establishes a local, dedicated fund for the purpose of undertaking open space, historic preservation, community housing, and outdoor recreation projects. The fund is financed by a property tax surcharge along with annual disbursements from a statewide CPA Trust Fund. Beverly adopted the CPA at a rate of 1%, with exemptions for the first \$100,000 of residential property value, for qualifying moderate-income seniors, and for low and moderate-income households.

### **What is the Community Preservation Committee?**

After adoption of the CPA the nine-member Beverly Community Preservation Committee (CPC) was formed with the passage of a local ordinance. Six of the nine members on the CPC represent specific City committees. Three members are considered “at-large” and are approved by the City Council. The CPC is responsible for implementing Beverly’s CPA, including accepting and reviewing funding applications, and making funding recommendations to the City Council. After receiving the CPC’s recommendations, the Beverly City Council schedules a public hearing, reviews project proposals and public comments, and makes final funding recommendations.

### **In this ninth year of the CPA in Beverly, how much funding is available for new project?**

On average, CPA revenue is approximately \$900,000 annually. Ten percent (10%) of the annual revenue must be set aside in each of three CPA project categories: Open Space, Historic Preservation, and Community Housing. This set aside funding can only be used for eligible projects within that specific category. The remaining seventy percent (70%) is placed in a general reserve account and can be used for projects in any of the three aforementioned categories, as well as for outdoor recreation projects. As of the writing of this document, the FY22 CPA budget has not been officially accepted by the Beverly City Council. The proposed FY22 budget estimates approximately \$1.2 million in CPA funds.

### **Who can apply for CPA funding and what types of projects are eligible?**

Anyone can apply for CPA funding so long as the proposed project falls within one or more of the defined CPA project categories (i.e. Open Space, Historic Preservation, Community Housing, and/or Recreation) and within one or more of the defined allowable project purposes for that category (i.e. Acquisition, Creation, Preservation, Support, and/or Restoration/Rehabilitation). Please refer to the “Community Preservation Fund Allowable Spending Purposes” chart in Section II of this document for a complete listing of allowable uses for CPA funds. This chart can also be found on the City of Beverly’s Community Preservation Committee web page.

Please note that if the project location is owned or controlled by someone other than the applicant, the applicant **must** provide documentation that demonstrates the commitment and support of the person or entity holding site control in order for the project to be deemed eligible for CPA funding.

## **How do I apply?**

The Beverly Community Preservation Committee has established a two-step application process:

### **Step 1: CPA Project Eligibility Pre-Application**

This brief pre-application form will introduce your proposal to the CPC so it may determine the project's eligibility for CPA funding. Projects that are deemed eligible will be invited to submit the more detailed CPA Project Funding Application.

### **Step 2: CPA Project Funding Application**

The detailed project funding application and supporting documentation will provide the CPC with more information about your project, including the project's goals, feasibility, budget, and timeline. This information assists the CPC in making CPA funding recommendations to the Beverly City Council.

Throughout the process, applicants will be invited to discuss their proposed project with the CPC and may be asked to provide additional information or to answer questions that arise during Steps 1 or 2 of the process.

## **How are projects selected for funding?**

Projects that have been determined eligible will be invited to submit a full funding request application. The CPC will evaluate projects using the General and Category Specific Evaluation Criteria found in Section III of this document. These evaluation criteria can also be found on the City of Beverly's Community Preservation Committee web page.

Please note that a determination of project eligibility in Step 1 of the process does not guarantee that CPA funding will ultimately be awarded to the project. The CPC may also recommend partial funding for proposed projects in some cases.

## **For Historic Preservation projects, how do I know if my property is historic?**

According to the CPA law, proposed projects under the Historic Preservation category must be either listed in the State Register of Historic Places, or determined by the Beverly Historic District Commission (HDC) to be significant to the history, archaeology, architecture or culture of Beverly.

Applicants proposing a project in the Historic Preservation category must apply for a Determination of Historical Significance to the Beverly Historic District Commission (HDC) unless such a Determination has been obtained in the past. The HDC's "Application for a Determination of Historic Significance" may be found here: <https://www.beverlyma.gov/483/Historic-District-Commission>  
Note too that for Historic Preservation rehabilitation/restoration projects, work must comply with the U.S. Secretary of the Interior's Standards for Rehabilitation. For more information visit: <https://www.nps.gov/tps/standards.htm>

For the 2021-2022 CPA funding round, the HDC application deadline for Historic Preservation projects **not** previously reviewed by HDC is October 19, 2021, with the application to be taken up at the HDC October 28, 2021 meeting. If the property/ item in question is determined by the HDC to have historical significance, this notice must be submitted to the CPC no later than Noon on November 18, 2021.

**What is required if my project is approved for CPA funding?**

If your project is approved for CPA funding, you must agree to and sign a Memorandum of Understanding (MOU), which will outline the details, terms, and conditions of your project award. The MOU will include specific information and requirements related to the CPA award amount, project budget and non-CPA funding sources, the disbursement of CPA funds, interim and final project reports and deadlines, and on-site signage and acknowledgement of CPA funding during and after project completion.

If the property is owned or the project must be managed by the City of Beverly or another public entity, then Massachusetts General Laws related to procurement (purchasing) and federal health and labor standards apply. Please see Section VI. of this document, entitled “Massachusetts Office of the Inspector General” for detailed information. It is important to understand these requirements as they may impact your budget and project schedule.

## II. Community Preservation Fund Allowable Spending Purposes Chart

		CATEGORIES			
		OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
<p><b>DEFINITIONS</b> (G.L. C. 44B, § 2)</p>		<p>Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use</p>	<p>Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town</p>	<p>Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field</p> <p>Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.</p>	<p>Housing for low and moderate income individuals and families, including low or moderate income seniors</p> <p>Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income</p>
<b>PURPOSES</b>	<p><b>ACQUISITION</b> Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B</p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>
	<p><b>CREATION</b> To bring into being or cause to exist <i>Seideman v. City of Newton</i>, 452 Mass. 472 (2008)</p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>NO</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>
	<p><b>PRESERVATION</b> Protect personal or real property from injury, harm or destruction</p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>
	<p><b>SUPPORT</b> Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable</p>	<p>Eligible for funding? <b>NO</b></p>	<p>Eligible for funding? <b>NO</b></p>	<p>Eligible for funding? <b>NO</b></p>	<p>Eligible for funding? <b>Yes</b></p>
	<p><b>REHABILITATION AND RESTORATION</b> Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties</p>	<p>Eligible for funding? <b>Yes</b> If acquired or created with CP funds</p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b></p>	<p>Eligible for funding? <b>Yes</b> If acquired or created with CP funds</p>

Adapted from: Department of Revenue (DOR) 10-5-2012 conference, "Recent Developments in Municipal Law," Workshop B - Local Finances

### **III. General and Category Specific Evaluation Criteria**

The Beverly Community Preservation Committee has developed these criteria to provide guidance in evaluating proposed projects and in spending the City tax dollars authorized by the adoption of the Community Preservation Act.

#### **1. General Evaluation Criteria**

Proposals must address at least one of the following **general criteria**, which are listed in no particular order. Preference will be given to proposals that address multiple criteria.

- a. Consistent with various plans which are relevant to and utilized by the City regarding Open Space, Recreation, Historic Resources and Affordable Housing;
- b. Leverages additional (or highest amount) of public and/ or private funds (e.g. qualify the project for additional grants from other sources) or receives partial funding from other sources and/ or voluntary contributions of goods and services;
- c. Without CPA funding the project will not be carried out for the benefit of the City and a significant public asset would be lost;
- d. Demonstrates practicality and feasibility, and that the project can be implemented within budget and on schedule;
- e. Serves to address multiple CPA priorities;
- f. Preserves and enhances the essential character of the City or upgrades and enhances the city experience for as broad a group of people as possible;
- g. Protects resources that would otherwise be threatened;
- h. Demonstrates a clear public benefit;
- i. Has received documented endorsement from other municipal boards or departments and broad-based support from community members;
- j. Implementation of the project under the selected category(s) does not adversely impact other category(s).

#### **2. Category Specific Evaluation Criteria**

**Open Space** proposals must address at least one of the following specific criteria, which are listed in no particular order. Preference will be given to proposals that address multiple criteria.

- a. Protects open space by:
  - Acquiring land or conservation restrictions
  - Acquiring easements for potential trail linkages to connect existing protected trails/ open space
  - Providing opportunities for passive recreation

- Making capital improvements or extraordinary repairs to make open space acquired or created with CPA funds functional for intended use
- b. Preserves wildlife habitats, ecosystems and landscapes including those that:
    - Contain locally significant biodiversity
    - Contain rare habitat or species
    - Contain a variety of habitats with diversity in geology & vegetation
    - Protects or enhances wildlife corridors, promotes connectivity and/ or prevent fragmentation
  - c. Prevents degradation of and provides buffer to adjacent open space, water bodies and/ or historic resources
  - d. Provides public access;
  - e. Preserves, enhances or expands coastal waterfront and public access thereto;
  - f. Preserves or enhances scenic views;
  - g. Protects drinking water supply;
  - h. Preserves and/ or enhances important surface water bodies (streams, wetlands, vernal pools, riverfront areas);
  - i. Preserves and/ or expands active agricultural use;
  - j. Borders a designated scenic road;
  - k. Protects natural capacity for flood storage and/ or control.

**Historic Preservation** proposals must address at least one of the following specific criteria, which are listed in no particular order. Preference will be given to proposals that address multiple criteria.

- a. Preserves a building, structure, vessel, real property, document or artifact listed on the State Register of Historic Places or determined by the Beverly Historic District Commission (BHDC), acting as the Beverly Historical Commission, to be significant in the history, archaeology, architecture or culture of Beverly. The BHDC will determine a property to be significant if it meets the criteria for listing on the National Register of Historic Places at the local level. Documents and artifacts will be eligible for funding if they are at least 50 years old and determined significant to the history, archaeology, architecture or culture of Beverly.
- b. Preserves, acquires, restores and/ or rehabilitates historical, cultural, architectural or archaeological resources of significance, especially those that are rare or threatened;
- c. Protects, preserves, restores, and/ or rehabilitates the historical function of the historic resource;
- d. Provides permanent preservation of the historic resource ( e.g. preservation restriction);
- e. Promotes sensitive adaptive reuse of historic sites;
- f. Allows public access;

- g. Enhances the City's historical profile.

All projects under the Historic Preservation category must be carried out in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Beverly CPC reserves the right to require project proponents to hire a qualified professional to document compliance with the Standards as a condition of its award.

**Community Housing** proposals must address at least one of the following specific criteria, which are listed in no particular order. Preference will be given to proposals that address multiple criteria.

- a. Ensures long-term affordability;
- b. Promotes use of existing buildings or construction on previously-developed private or city-owned sites;
- c. Supports the housing needs of a range of qualified residents who earn less than 100% of the area-wide median income (for current Department of Revenue income thresholds please see [www.communitypreservation.org](http://www.communitypreservation.org));
- d. Provides housing that is harmonious in design and scale with the surrounding neighborhood;
- e. Provides affordable ownership and rental opportunities;
- f. Creates affordable housing units;
- g. Preserves existing affordable housing from "expiring use";
- h. Intermingles affordable and market rate housing at levels that exceed those set forth in Beverly's Inclusionary Zoning Ordinance.

**Recreation** proposals must address at least one of the following specific criteria, which are listed in no particular order. Preference will be given to proposals that address multiple criteria. Recreation proposals must be for outdoor uses only.

- a. Acquires, creates, preserves, restores and/ or rehabilitates land or assets for a variety of recreational uses for a wide range of users, ages or populations;
- b. Expands universal access to recreational opportunities;
- c. Serves a significant number of residents;
- d. Promotes use of corridors to create safe and healthful pedestrian and bicycle transportation opportunities;
- e. Enhances or expands access and use of waterfront, ocean, ponds or rivers;
- f. Considers the health and safety benefits to the residents and promotes active, healthy lifestyles for residents;
- g. Meets a recreational need not met, or not adequately met, elsewhere in the City.

#### IV. 2021-2022 CPA Round 9 Application Schedule

Important Date	Activity
Weeks of September 12 & 19, 2021	Advertise annual informational public hearing: press release, notices in newspaper community calendars, City's Events page and CPC web page, etc.
Thursday September 30, 2021; 7 PM-9:00 PM	Annual Informational Public Hearing (will likely make this meeting remotely accessible as well). Beverly City Council Chamber.
Tuesday, October 19, 2021	<b>HISTORIC PRESERVATION PROJECTS ONLY</b> must obtain Beverly Historic District Commission's (HDC) Determination of Historic Significance <u>on or before November 18</u> . See application deadlines below: <ul style="list-style-type: none"> <li>October 19, 2021, (at Noon or before) deadline for submitting request for Determination to be heard at October 28, 2021 HDC meeting. However, the HDC advises that it may be helpful to submit the application for the HDC's September meeting if you are prepared to do so. HDC's September meeting will take place on September 23 and the application for "Determination" would be due by September 14. (Link to HDC website at bottom of page)</li> </ul>
October 28, 2021 by 12 PM	Pre-applications due
November 18, 2021	CPC review of pre-applications & decision on eligibility
December 2, 2021	Eligibility announcements and invitation for full applications to eligible projects
December 16, 2021	WORKSHOP - CPC invites prospective applicants to a workshop at which they will walk through the application process, review forms, and answer questions/provide guidance
January 11, 2022, by 12 PM	CPA full applications due
February 2, 2022	Written public comments due
January - March, 2022	CPC deliberates on applications
Mid-April, 2022	CPC funding recommendations presented to City Council
April, May, 2022	City Council Considers Recommendations & Votes
June, 2022	Project award announcement; press release

#### Websites:

- **CPC:** <https://www.beverlyma.gov/409/Community-Preservation-Committee>
- **HDC:** <https://www.beverlyma.gov/483/Historic-District-Commission>

## **V. Additional Resources**

### **Beverly Community Preservation Committee**

<https://www.beverlyma.gov/409/Community-Preservation-Committee>

Staff: Denise A. Deschamps, Economic Development Planner, Planning Department

Phone: 978-605-2356

Email: [d-deschamps@beverlyma.gov](mailto:d-deschamps@beverlyma.gov)

### **Beverly Historic District Commission**

<https://www.beverlyma.gov/483/Historic-District-Commission>

Staff: Emily Hutchings, Assistant Director of Planning and Development

Phone: 978-605-2342

Email: [ehutchings@beverlyma.gov](mailto:ehutchings@beverlyma.gov)

### **Beverly Community Preservation Plan**

<https://www.beverlyma.gov/DocumentCenter/View/998/2018-Update-CPA-Plan-for-Beverly-PDF>

### **Beverly Open Space and Recreation Plan**

<https://www.beverlyma.gov/476/Beverlys-Open-Space-Recreation-Plan>

### **Beverly Community Housing Plan**

<https://ma-beverly.civicplus.com/267/Community-Housing-Plan>

### **U.S. Secretary of the Interior Standards for the Treatment of Historic Properties**

<https://www.nps.gov/tps/standards.htm>

### **Massachusetts Community Preservation Coalition**

This state-wide non-profit is a clearinghouse for CPA law, hosts a database of statewide CPA projects, and provides technical assistance for implementing CPA.

<http://communitypreservation.org/>

### **Beverly Assessor's Office**

For information and forms related to CPA exemptions visit the Assessor's website:

<https://www.beverlyma.gov/391/City-Assessors>



**GLENN A. CUNHA**  
INSPECTOR GENERAL

## The Commonwealth of Massachusetts

### Office of the Inspector General

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July 2018

Dear Local Official:

The Office of the Inspector General (Office) created the following charts for local officials to use as a quick guide on public procurement procedures that must be followed pursuant to the Massachusetts General Laws. Your local rules may establish stricter or additional requirements that you must follow. Contact your chief procurement officer or legal counsel for advice on your local rules and procurement procedures.

The Office updated the charts with changes that are effective June 15, 2018, pursuant to the passage of [Chapter 113 of the Acts of 2018](#), *An Act Providing for Capital Facility Repairs and Improvements for the Commonwealth*. The charts highlight particular compliance requirements depending on the cost or the nature of your procurement. For example, the charts highlight, where applicable, the requirement for a ten-hour course in construction safety and health approved by the United States Occupational Safety and Health Administration (OSHA). The charts are meant to provide a general overview of the principal public procurement statutes, and are not a substitute for reviewing the statute or obtaining the advice of legal counsel.

The charts include:

- 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: Cities, Towns, Regional School Districts and Horace Mann Charter Schools
- M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

Any suggestions for the charts or questions concerning Chapter 30B (M.G.L. c. 30B) may be directed to this Office by calling (617) 722-8838. Questions concerning M.G.L. c. 149, M.G.L. c. 30, § 39M, and M.G.L. c. 7C may be directed to the Office of the Attorney General by calling (617) 963-2371 or your legal counsel.

Additional information is available from the following sources:

- Prevailing wage rate sheets may be requested online at <http://www.mass.gov/lwd/labor-standards/prevailing-wage-program/> or by calling the Department of Labor Standards at (617) 626-6953.
- *Central Register* advertisements may be submitted to the Secretary of the State's Office online at <http://www.sec.state.ma.us/spr/sprcentral/infosubmit.htm>. The submission deadline is 4:00 p.m. on Thursday for publication the following Wednesday.
- *Goods and Services Bulletin* advertisements may be submitted the Secretary of the State's Office online at <http://www.sec.state.ma.us/sprpublicforms/GSSubmissionform.aspx>. The submission deadline is 4:00 p.m. on Wednesday for publication the following Monday.
- COMMBUYS postings may be completed at [www.commbuys.com](http://www.commbuys.com).

My Office is committed to helping procurement officials comply with the state's procurement laws and make responsible purchasing decisions. Please do not hesitate to contact our Chapter 30B hotline if we can be of further assistance. Thank you.

Sincerely,



Glenn A. Cunha  
Inspector General

**M.G.L. c. 149 – BUILDING CONSTRUCTION CONTRACTS**

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000 to \$150,000	Over \$150,000	Over \$10,000,000
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>1</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids (using M.G.L. c. 30, § 39M).	Sealed bids (using M.G.L. c. 149, §§ 44A – 44J).	Solicit statements of qualifications prior to soliciting sealed bids (using M.G.L. c. 149, §§ 44A – 44J).
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction’s website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>2</sup>	Post a notice 1) in your jurisdiction’s office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>3</sup>	Post a notice 1) in your jurisdiction’s office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>4</sup>	Advertise the request for qualifications at least two weeks before responses are due (1) in a newspaper; (2) in the <i>Central Register</i> ; and (3) on COMMBUYS. <sup>5</sup>
<b>DCAMM Certification</b>	No.	No.	No.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.	Yes.
<b>Prequalification</b>	No.	No.	No.	Optional. <sup>6</sup>	Yes.
<b>Filed Sub-bids</b>	No.	No.	No.	Yes, if more than \$25,000.	Yes, if more than \$25,000.
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	5% of the value of the total bid or sub-bid.	5% of the value of the total bid or sub-bid.
<b>Payment Bond</b>	No.	50% payment bond if contract is >\$25,000. <sup>7</sup>	50% payment bond.	100% payment bond.	100% payment bond.
<b>Performance Bond</b>	No.	No.	No.	100% performance bond.	100% performance bond.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.	Yes.
<b>Contractor Evaluation</b>	No.	No.	No.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	No.	No.	No.

<sup>1</sup> M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>2</sup> M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general contractors and subcontractors that have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid, to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$150,000 apply.

<sup>6</sup> If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the “Over \$10,000,000” column. (Note: The prequalification threshold was not raised in 2016.)

<sup>7</sup> M.G.L. c. 149, § 29.

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS  
(WITH LABOR)**

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	\$50,000 or less	Over \$50,000
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option <sup>1</sup>	M.G.L. c. 30, § 39M
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. <sup>3</sup>	Sealed bids.	Sealed bids.
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction’s website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>4</sup>	Post a notice at least two weeks before bids are due 1) in your jurisdiction’s office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . <sup>5</sup>	Post a notice 1) in your jurisdiction’s office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>6</sup>
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.
<b>Prequalification</b>	No.	No.	No.	Maybe. <sup>7</sup>
<b>Bid Deposit</b>	No.	No.	No.	5% of the value of the total bid.
<b>Payment Bond</b>	No.	50% payment bond if contract is more than \$25,000. <sup>8</sup>	50% payment bond if contract is more than \$25,000. <sup>9</sup>	50% payment bond.
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	No.	No.

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A.

<sup>6</sup> M.G.L. c. 149, § 44J.

<sup>7</sup> Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

<sup>8</sup> M.G.L. c. 149, § 29.

<sup>9</sup> M.G.L. c. 149, § 29.

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – CONSTRUCTION MATERIALS PROCUREMENTS  
(WITHOUT LABOR)**

<b>Estimated Contract Amount</b>	<b>Under \$10,000</b>	<b>\$10,000 to \$50,000</b>	<b>Over \$50,000</b>	<b>Any Amount</b>
	<b>M.G.L. c. 30, § 39M</b>	<b>M.G.L. c. 30, § 39M</b>	<b>M.G.L. c. 30, § 39M</b>	<b>M.G.L. c. 30B, § 5 Option<sup>1</sup></b>
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids.	Sealed bids.
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction’s website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>3</sup>	Post a notice 1) in your jurisdiction’s office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>4</sup>	Post a notice at least two weeks before bids are due 1) in your jurisdiction’s office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . <sup>5</sup>
<b>OSHA Training</b>	No.	No.	No.	No.
<b>Prequalification</b>	No.	No.	No.	No.
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	No.
<b>Payment Bond</b>	No.	50% payment bond if contract is more than \$25,000. <sup>6</sup>	50% payment bond.	50% payment bond if contract is more than \$25,000. <sup>7</sup>
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	No.	No.	No.	No.
<b>OSD Option</b>	Yes.	Yes.	Yes.	No.
<b>Blanket Contract Option</b>	Yes.	Yes.	No.	No.

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 44J.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A. (Note: If the procurement will exceed \$100,000, and the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, at least two weeks before bids or proposals are due, publish in the *Goods and Services Bulletin*.)

<sup>6</sup> M.G.L. c. 149, § 29.

<sup>7</sup> M.G.L. c. 149, § 29. (Note: If the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, you do not need to obtain a payment bond.)

**M.G.L. c. 7C, §§ 44-58 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS:  
Cities, Towns, Regional School Districts and Horace Mann Charter Schools<sup>1</sup>**

<b>Estimated Design Fee (EDF)/Estimated Construction Cost (ECC)</b>	<b>EDF less than \$30,000 or ECC less than \$300,000</b>	<b>EDF \$30,000 or more and ECC \$300,000 or more</b>
<b>Procurement Procedure</b>	None. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit.
<b>Advertising Required</b>	No.	Advertise in the <i>Central Register</i> <b>and</b> your local newspaper at least two weeks before the deadline for filing applications.
<b>Designer Selection Board<sup>1</sup></b>	No.	No – adopt selection procedure in writing. <sup>2,3</sup>
<b>Designer Application</b>	No.	Yes. See <a href="#">Designer Selection Procedures for Municipalities</a> . Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)”
<b>Designer Evaluation (Submit to DCAMM and Designer Selection Board)</b>	No.	Yes. See <a href="#">Designer Evaluation Forms &amp; Information for Municipalities and Agencies</a>
<b>Registration</b>	Yes.	Yes.
<b>Insurance</b>	No.	At a minimum, the lesser of \$1 million or 10% of the project’s estimated cost of construction. <sup>4</sup>
<b>Prevailing Wage</b>	No.	No.

<sup>1</sup> Executive Departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more.

<sup>2</sup> Cities, towns, school districts and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44 – 58, and noted herein. See this Office’s [Model Designer Selection Procedures for Municipalities and Other Local Public Agencies](#).

<sup>3</sup> Housing Authorities must follow the procedures established by the Department of Housing and Community Development for the design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

<sup>4</sup> M.G.L. c. 7C, § 51.

## M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
<b>Procurement Procedure</b>	Sound business practices. <sup>1</sup>	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service. <sup>2</sup>	Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
<b>Notice/Advertising Requirements</b>	None.	None.	Post a notice 1) in your jurisdiction’s office, and, at least two weeks before bids or proposals are due, publish 2) in a newspaper, and 3) on COMMBUYS.  If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> .
<b>Award contract to:</b>	Responsible person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price quotation.	Under § 5, the responsible <sup>3</sup> and responsive <sup>4</sup> bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
<b>Written Contract Required<sup>5</sup></b>	No. Keep written records as a best practice.	Yes.	Yes.
<b>Maximum Contract Term<sup>6</sup></b>	Three years, unless majority vote authorizes longer.		
<b>OSD Option</b>	Yes.		

<sup>1</sup> M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>2</sup> M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as “a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.”

<sup>4</sup> M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.”

<sup>5</sup> M.G.L. c. 30B, § 17(a), states “All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.”

<sup>6</sup> M.G.L. c. 30B, § 12(b), states “Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”