



**FRANKLIN COUNTY REGIONAL HOUSING &  
REDEVELOPMENT AUTHORITY**

241 Millers Falls Road • Turners Falls, MA 01376  
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**PROCUREMENT POLICY**

This policy applies to procurement of equipment, materials, supplies, services, and construction-related work with respect to properties owned by the Franklin County Regional Housing & Redevelopment Authority, and programs administered by HRA that are subject to public procurement.

The purpose of a procurement policy is to control the purchases and contracts for equipment, materials, supplies, services, and construction-related work. This policy has been adopted by the Franklin County Regional Housing and Redevelopment Authority (HRA) to comply with:

1. Massachusetts bidding statutes governing the procurement of supplies and services (MGL c.30B), construction-related work at buildings owned by HRA (MGL c.149), and public works (non-building) construction (MGL c.30, §39M) at property owned by HRA;  
and
2. Federal procurement requirements governing grantees and sub grantees of federal funds (24 CFR Part 85.36 and 85.37), when applicable.

This policy incorporates by reference all provisions of the above-cited laws and regulations and adheres to the Code of Conduct for Public Employees, consistent with applicable state and federal laws.

- A. **Chief Procurement Officer:** The board of commissioners shall vote to appoint a Chief Procurement Officer (CPO) and file such designation with the MA Office of the Inspector General as required by MGL c.30B. The HRA CPO is:

Director of Finance  
Appointed: June 1, 2020  
Vote#: 17-4126

The CPO shall be governed by applicable rules established by the Department of Housing and Community Development and the U.S. Department of Housing and Urban Development, and their respective Inspectors Generals.

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Rental Assistance • Housing Development • Housing Management • Community Development  
Municipal Assistance • Rehab Financing • Housing Counseling and Education • Public Infrastructure

Equal Housing Opportunity



- B. **Delegation:** As this relates to MGL c.30B procurements, the CPO may delegate his/her powers and duties in accordance with this section to one or more employees of HRA.
- a. A delegation shall be in writing, be signed by the CPO, and state the activity or function authorized as well as the duration of the delegation.
  - b. A delegation may be revoked or amended whenever the CPO determines that revocation or amendment is in the best interests of the governmental body.
  - c. A delegation of power or duties by a CPO and any revocation or amendment thereof shall not take effect until a copy of the same has been filed with the office of the MA Inspector General.
  - d. The delegate may also include DHCD's Regional Capital Assistance Team (RCAT), pursuant to the Regional Capital Assistance Team Program Terms of Service, July 1, 2019.
- C. **Affirmative Action and Employment of HRA Tenants<sup>1</sup>**
- a. Whenever HRA intends to contract for goods, services, construction, modernization or maintenance, HRA shall take affirmative action to attract MBE and WBE suppliers, manufacturers, and contractors.
  - b. Each contract shall require the contractor to use best efforts to employ qualified tenants for any positions which are open at the time the contract is awarded or which become open during the term of the contract.
  - c. Records detailing affirmative action efforts shall be kept by HRA, subject to review by the MA Department of Housing and Community Development.

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<sup>1</sup> 760 CMR 4.10

D. **Supplies and Services**

a. **Procurement of supplies and services governed by MGL c.30B**

- i. The CPO or an authorized designee shall make procurements as necessary
  1. <\$10,000.00: in the open market using sound business practices to ensure that the price obtained is the most advantageous to HRA.<sup>2</sup>
  2. \$10,000- 49, 999, by soliciting price quotes either orally or in writing from at least three vendors.<sup>3</sup> All procurements in excess of \$10,000 require a written and fully executed contract. No payment shall be made by HRA for a supply or service rendered prior to the execution of such contract.<sup>4</sup>
  3. \$ 50,000 or more by sealed Invitation to Bid (IFB) process<sup>5</sup> or justify using the Request for Proposal (RFP) process<sup>6</sup>.
- ii. The CPO shall submit all bids/quotes of \$10,000 or more at the next regular meeting and the Board must vote to authorize the award. Contracts for supplies and services for \$10,000 or more may not be entered into for a term greater than 3 years, including renewals, extensions or options, unless voted by a majority of the Board before the procurement is made.<sup>7</sup> In no case shall the term of the contract exceed 10 years.
- iii. In an IFB procurement, if the award is made to a vendor other than one offering the lowest price, justification for bid rejection shall be in writing and kept with the bid documents.
- iv. Chapter 30B does not allow awarding of a contract that exceeds the dollar threshold of the bidding procedure used<sup>8</sup>; nor does it allow contract increases to exceed 25% of the award.

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<sup>2</sup> MGL c.30B§4(c)

<sup>3</sup> MGL c.30B§4(a)

<sup>4</sup> MGL c.30B §17(a)

<sup>5</sup> MGL c.30B §5

<sup>6</sup> MGL c.30B §6

<sup>7</sup> MGL c.30B§12(b)

<sup>8</sup> Except where unit prices have been established for gas, fuel oil, road salt or other ice & snow contract supplies.

**b. Emergency Procurements under MGL c.30B**

- i. If due to an unforeseen emergency, the time required to comply fully with C. 30B would endanger the health or safety of people or property, the needed *supply or service*<sup>9</sup> may be procured without complying with C. 30B.<sup>10</sup>
- ii. A record of an emergency procurement will be submitted as soon as possible to the *Goods and Services Bulletin* for publication.

**c. Sole Source Procurements Under MGL c.30**

- i. A "sole source" procurement is a purchase of supplies or services without advertising or competition. C.30B places strict limitations on sole-source procurements.<sup>11</sup>
  1. Contracts under \$35,000: HRA may make a sole source procurement of any supply or service under \$35,000 when a reasonable investigation shows that there is only one practicable source for the required supply or service. This determination shall be made in writing.
  2. Contracts over \$35,000: HRA will not make a sole-source procurement of \$35,000 or more *except* for the following:
    - a. Software maintenance, library books and educational material
    - b. Water, gas, electricity, sewer, and telephone services from a regulated industry company

**d. Contract Provisions:** All procurement of equipment, materials and non-personnel services shall be documented. Expenditures will be supported by receipts and made by purchase order unless the contract amount is \$10,000 or more, in which case a formal written contract must be executed. All contracts for such purchases shall contain the following provisions:

- i. Conflict of Interest. Contractors shall certify that they will comply with provisions of MGL c 268A and the Federal Conflict of Interest Provisions at 24 CFR 570.489 and the Federal Hatch Act, 5 USC §§ 1501 et seq. designed to prevent conflict of interest in public procurement, and are responsible for disclosing and avoiding any potential conflict or appearance of conflict pursuant to said regulations.

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<sup>9</sup> A different process is used for construction-related emergencies.

<sup>10</sup> MGL c.30B§8

<sup>11</sup> MGL c.30B§7

- ii. Equal Opportunity. The Contractor shall not discriminate in employment against any person on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, ancestry, disability, marital status, presence of children, receipt of public assistance or housing subsidy, political beliefs or status as a veteran or member of the Armed Forces.
- iii. The Contractor is to use best efforts to employ qualified tenants of the Awarding Authority for any positions which are open at the time the contract is awarded or which become open during the term of the contract.
- iv. Contract Documents. The following, together with this Agreement, form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein: Invitation to Bid, the Bidding Documents, the Conditions of the Contract, the Contractor's Bid Submission, and any amendments or addenda issued prior to award, and any modification agreed to after the award. No contract amendments shall be made except in writing upon the express agreement of the parties and in accordance with the provisions of MGL. C. 30B.
- v. REAP Certification. Pursuant to MGL c.62(c), § 49(a), the individual signing this Contract on behalf of the Contractor, hereby certifies, under the penalties of perjury, that to the best of their knowledge and belief the Contractor has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.
- vi. Certification of Non-Collusion. The undersigned certifies under penalties of perjury that their bid/proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.<sup>12</sup>
- vii. Governing Law. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- viii. Indemnification. No contract for goods, services, modernization or maintenance shall provide for an indemnification of the contractor by HRA.<sup>13</sup>

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11 MGL c.30B§7  
12 MGL c.30B§10  
13 760 CMR 4.10(1)

- ix. Validation. Contracts of \$10,000 or more that use state funds will not be valid until signed by the Director of the Department of Housing and community Development or his/her designee.

**E. Building-Related Construction Contracts (“Vertical Construction”) Governed by MGL c.149.**

**a. Construction contracts less than \$10,000<sup>14</sup>**

- i. The CPO or an authorized designee shall follow the process required by MGL c.149§44A(2)(A) for small building-related construction contracts, which include labor and materials estimated to cost under \$10,000, by using sound business practices to ensure the contract is awarded to the most responsible entity at the lowest price.
- ii. The contractor shall pay prevailing wages.

**b. Construction contracts between \$10,000 and \$50,000<sup>15</sup>**

- i. The CPO or an authorized designee shall follow the process required by MGL c.149§44A(2)(B) for construction contracts estimate to cost between \$10,000 and \$50,000 by soliciting written price quotes The CPO or an authorized designee shall advertise once in the Central Register and COMMBUYS and post a notice on HRA's website and bulletin board for at least 2 weeks before responses are due.
- ii. OSHA Training: Required
- iii. The contractor shall pay prevailing wages.

**c. Construction contracts over \$50,000-\$150,000<sup>16</sup>**

- i. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.149§44A(2)(C) identified in MGL c.30§39M for construction contracts estimate to cost over \$50,000-\$150,000
- ii. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for at least 1 week before bids are due.
- iii. OSHA Training: Required
- iv. Bid deposit: 5% of the value of the total bid

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<sup>14</sup> MGL c.149§2(A)

<sup>15</sup> MGL c.149§2(B)

<sup>16</sup> MGL c.149§2(C) & MGL c.30 §39M(a)

- v. Payment bond: 50% of the value of the total bid, except on DHCD state public housing contracts. A performance and payment bond in 100% of the contract amount is required.
- vi. Performance bond: none required
- vii. The contractor shall pay prevailing wages.

**d. Construction contracts over \$ 150,000<sup>17</sup>**

- i. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.149§44A-M for construction contracts estimate to cost between \$ 150,000 and \$10,000,000.
- ii. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for at least 1 week before bids are due.
- iii. DCAM certification: Required for general bidders and filed sub-bidders.
- iv. OSHA Training: Required
- v. Bid deposit: 5% of the value of the total bid
- vi. Payment bond: 100% of the value of the total bid
- vii. Performance bond: 100% of the value of the total bid
- viii. The contractor shall pay prevailing wages.

**F. Non-Building Related Construction WITH LABOR (“Horizontal” Construction/Labor and Construction Materials)**

**a. Construction Contracts \$10,000 and under**

- i. HRA will use sound business practices to procure contractors and providers of construction materials for public works (non-building) construction at properties owned by HRA.
- ii. A record will be maintained of the procurement.
- iii. The contractor shall pay prevailing wages.

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<sup>17</sup> MGL c.149§2(D)

**b. Construction Contracts between \$10,000 to \$ 50,000<sup>18</sup>**

i. The CPO or an authorized designee shall have two options for bidding horizontal construction projects at properties owned by HRA with contracts between \$10,000 and \$50,000:

1. MGL c.30§39M option:

- a. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.30 §39M for public works construction contracts with labor estimate to cost between \$10,000 and \$ 50,000.
- b. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for 1 week before bids are due.
- c. OSHA Training: required
- d. Bid deposit: 5% of the value of the total bid
- e. Payment bond: none required
- f. Performance bond: none required
- g. The contractor shall pay prevailing wages.

2. MGL c.30B option:

- a. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.30B§5 for public works construction contracts with labor estimate to cost between \$10,000 and \$ 50,000.
- b. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for 1 week before bids are due.
- c. OSHA Training: required
- d. Bid deposit: none required
- e. Payment bond: none required
- f. Performance bond: none required
- g. The contractor shall pay prevailing wages.

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<sup>18</sup> MGL c.30§39M(a)



**c. Construction Contracts Over \$25,000**

1. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.30, §39M for public works construction contracts with labor estimated to cost over \$25,000.
2. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for 1 week before bids are due.
3. DCAM certification: Not required
4. OSHA Training: Required
5. Bid deposit: 5% of the value of the total bid
6. Payment bond: 50% of the value of the total bid, except on DHCD state public housing contracts. A performance and payment bond in 100% of the contract amount is required.
7. Performance bond: Not required
8. The contractor shall pay prevailing wages.

**G. Non Building Related Construction Materials For Public Works and Building Related Projects WITHOUT LABOR**

**a. Construction Materials Contracts Under \$10,000**

- i. HRA will use sound business practices to procure construction materials for public work (non-building) or building related projects to be used at properties owned by HRA.
- ii. A record will be maintained of the procurement.

**b. Construction Materials Contracts over \$10,000**

- i. The CPO or an authorized designee shall have two options for procuring horizontal construction materials to be used at properties owned by HRA where the estimated contract will exceed \$10,000:
  1. MGL c.30§39M option:
    - a. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.30 §39M for public works materials contracts.
    - b. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for 1 week before bids are due.

- c. OSHA Training: n/a
- d. Bid deposit: 5% of the value of the total bid
- e. Payment bond: none required
- f. Performance bond: none required
- g. Prevailing wages: n/a
- h. The contract will be awarded to the lowest responsible and eligible bidder.

2. MGL c.30B option:

- a. The CPO or an authorized designee shall follow the sealed bid procedures required by MGL c.30B§5 for public works materials contracts.
- b. The CPO or an authorized designee shall advertise once in the Central Register and a newspaper at least 2 weeks before bids are due, and post a notice on HRA's website and bulletin board for 1 week before bids are due.
- c. OSHA Training: n/a
- d. Bid deposit: none required
- e. Payment bond: none required
- f. Performance bond: none required
- g. Prevailing wages: n/a
- h. The contract will be awarded to the lowest responsive and responsible bidder.

**H. Construction-Related Emergencies (Horizontal and Vertical Construction)**

- a. **In cases of extreme emergency**<sup>19</sup>, HRA will seek the assistance of DHCD to obtain the approval of the commissioner of the Division of Capital Asset Management (DCAM) to contract for that portion of the work necessary to preserve the health or safety of persons or property or to alleviate an imminent security threat on the basis of such competitive bids or proposals that can be obtained without public opening of the bids or proposals.
  - i. Where the nature of the emergency prevents obtaining prior approval, HRA will contract for the necessary work. However, HRA will still seek approval of the commissioner retroactively.

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<sup>19</sup> MGL c.149 s.44A)

- I. Statewide Contract List and General Services Administration (GSA)**
- a. Except for the purchase of construction materials, the CPO or an authorized designee may purchase goods and services otherwise subject to MGL c.30B sec.5 from a statewide contract vendor on the Statewide Contract List awarded by the MA Operational Services Division (OSD) without any further solicitation or invitation to bid regardless of the dollar amount, unless OSD has specific rules that must be followed in the contract user guide.
  - b. Except for the purchase of construction materials, the CPO or an authorized designee may purchase goods and services from the GSA without any further solicitation or invitation to bid regardless of the dollar amount for federal programs only.
  - c. The CPO or an authorized designee may purchase **construction materials** from a vendor on the Statewide Contract List awarded by the MA Operational Services Division (OSD) or the GSA if the estimated **cost is less than \$10,000** without any further solicitation or invitation.
  - d. These procurements will be documented. Expenditures of less than \$10,000 may be authorized by a purchase order. HRA shall execute a contract for expenditures of \$10,000 or more.
- J. Record Keeping**
- a. The CPO will maintain a procurement log documenting all procurements including names, addresses, and the amounts of quotes for each vendor or bidder, including filed sub bids and general bids. Bid tabulations and copies of written quotes and bid forms will be maintained in departmental project files for a period of 6 years from the date of final payment.
- K. Disposal of Surplus Supplies (Does not include Real Property)<sup>20</sup>**
- a. HRA shall dispose of surplus **supplies** that are no longer useful but have a resale or salvage value in accordance with the following provisions:
    - i. Surplus supplies with an estimated net value of less than \$10,000: using sound business practices.<sup>21</sup>
    - ii. Surplus supplies with an estimate net value of more than \$10,000: through competitive sealed bids, public auction or established markets.<sup>22</sup>

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<sup>20</sup> Real property transactions are governed by MGL c.30B§16

<sup>21</sup> MGL c. 30B§ 15(f)

<sup>22</sup> MGL c.30B§ 15(b)

1. Notice of sale shall be posed at the HRA office and advertised in the newspaper once, two weeks before bid opening. The notice shall contain the following information:
    - a. The supply offered for sale
    - b. The location and method for inspection
    - c. Terms and conditions of sale including place, date and time for bid opening or auction
    - d. A statement that the HRA retains the right to reject any and all bids.
  2. If HRA rejects the bid of the highest responsive bidder, HRA may resolicit bids or negotiate a sale so long as the negotiated sale price is higher than the bid price.
  3. The CPO or a designee may trade-in a supply listed for trade-in in the invitation for bids or request for proposals.
  4. HRA may by majority vote of the board of commissioners sell or donate such supplies at less than the fair market value to a 501(c)(3) charitable organization.
- b. Recordkeeping: A copy of the board approval, when required, together with complete documentation of the property disposition shall be retained as part of the HRA's permanent record.