



MCLA
PROCUREMENT POLICY & PROCEDURES
MANUAL

Effective: January 12, 2026

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1. PROCUREMENT MISSION STATEMENT

The mission of the Massachusetts College of Liberal Arts (MCLA) Procurement Office is to acquire quality goods and services at the best possible value, while ensuring compliance with state laws, regulations, and established procurement standards.

2. OBJECTIVE

This manual serves as a comprehensive resource for MCLA faculty and staff, outlining the decision-making protocols and operational standards of the Procurement Office. It ensures that all procurement activities adhere to Massachusetts General Laws, State Finance Law, and MCLA Internal Controls. By clearly defining roles and procedures, the manual promotes: consistent and uniform specifications, fair and transparent solicitation processes, timely delivery of goods and services, and effective contract management and oversight.

3. AUTHORITY TO PURCHASE

At the start of each fiscal year, college departments receive budget allocations assigned to specific account codes. To assist in proper coding, the Administration & Finance Office provides the [MCLA object code handbook](#) which summarizes and clarifies the Massachusetts Office of the Comptroller's [expenditure classification handbook](#). These allocations enable departments to initiate requisitions for supplies, services, equipment, and construction-related services.

It is essential to understand that budget allocations alone do not grant purchasing authority. **Departments should make every effort to obtain proper authorization before making purchases or entering contracts.** This typically includes securing a valid purchase order or contract number in advance. In most cases, advanced authorization is obtainable with reasonable pre-planning by departments for foreseeable purchasing needs. In circumstances where advance authorization is not feasible, departments must ensure that authorization is completed promptly after the purchase to remain in compliance. Please be advised that goods will not be released or delivered from the MCLA Shipping and Receiving Office until a valid purchase order number has been assigned to the order.

The Director of Procurement Services is designated by the college to oversee a centralized purchasing function. As such, all purchases should be authorized in accordance with the following criteria:

- Compliance with the policies and procedures outlined in this manual
- Availability of funds budgeted to the appropriate account
- [Authorized Signatures](#) and approvals have been obtained
- A valid purchase order number or contract number has been assigned to the requisition.

All departments are expected to comply with the purchasing policies outlined in this manual. Transactions should be authorized in advance with a valid purchase order or contract number. The college reserves the right to refuse payment for expenses incurred from purchases missing an approved requisition, a purchase order number, or a contract number prior to contract award. In such a situation, liability for payment may rest with the person who made the purchase.

Exceptions for obtaining a purchase order or contract number in advance are allowed under the following circumstances:

- The purchase is made with an assigned MCLA credit card
- The purchase qualifies as an emergency
- Aramark catering

4. PROCUREMENT PRACTICES

The goal of MCLA's procurement practices is to promote efficiency, ensure legal compliance, and deliver optimal value to students, faculty, staff, and departments through responsible and transparent purchasing. To support this mission, the Procurement Office serves as a central resource for the college community by providing guidance and assistance to departments, monitoring compliance with applicable laws and internal policies, implementing effective procurement procedures, and identifying cost-saving opportunities through strategic sourcing.

All College Departments are required to comply with the MCLA Procurement Policy, State Finance Law, and the Commonwealth's Procurement Laws and Regulations. The laws and regulations include:

- M.G.L. c. 7 §22
- M.G.L. c. 73 §§ 14–15
- M.G.L. c. 7C §§ 44–58
- M.G.L. c. 149 § 148B
- M.G.L. c. 149
- M.G.L. c. 30 § 39M
- M.G.L. c. 25A
- 527 CMR 12.6.3
- 802 CMR 3.00

5. SUPPLIES AND SERVICES PROCUREMENT POLICIES

MCLA's procurement policy for **supplies and services** is based on the framework established by **Massachusetts General Law, c. 30B**, with minor adjustments tailored to meet the College's operational needs. This policy governs the acquisition of all supplies and services, the disposition of surplus property, and the leasing, lease-purchase, rental, or transfer of real property.

All College departments are required to follow the procedures outlined in this policy when procuring supplies and services. Doing so ensures compliance with state law, promotes transparency, and supports responsible stewardship of public funds.

Under Chapter 30B:

- A “**supply**” is defined as all property other than real estate. This includes equipment, computers, vehicles, materials, printing, office supplies, parts, insurance, and any services incidental to the delivery, conveyance, or installation of such property.
- A “**service**” refers to the furnishing of labor, time, or effort by a contractor that does not result in a specific end product other than reports. This definition excludes employment agreements, collective bargaining agreements, and grant agreements.

For procurement policies specific to **design services, public building construction, public works construction, or energy conservation and management services**, please review sections 7-9 of this manual.

A. Purchasing Consortiums

The college belongs to the seven collective/collaborative purchasing consortium groups, listed below. Additional collaborative purchasing consortiums or group cost-saving opportunities not identified below may be utilized with approval from A&F.

- **Massachusetts Higher Education Consortium (MHEC)**

The MHEC is the premier source for regionalized New England group purchasing in the United States. Their contracts adhere to the standards of M.G.L. 30b for fair, open, and competitive bidding. In addition, MHEC procurement practices were reviewed by the law firm of Hirsh, Roberts, and Weinstein and found to be compliant with the uniform standards of the U.S. Education Department General Administrative Regulations (EDGAR). The MHEC has negotiated contracts with various vendors offering a range of products and services.

MCLA faculty and staff may visit the [MHEC website](#) to search for and review existing contracts. To begin, click “start here” at the top of the MHEC homepage, click “Join MHEC Now”, and click “Apply to Become A Member-Advisor.” Complete the Member-Advisor application form. Include Massachusetts College of Liberal Arts as the “Organization Name” and list MCLA’s address details within your submission of the form.

- **Operational Service Division (OSD)**

The Massachusetts Operational Service Division oversees procurement for government agencies, managing over 100 statewide contracts. These contracts simplify the procurement process by offering state-negotiated pricing and benefits. The OSD provides a diverse range of products and services, along with training to help entities maximize the value of statewide contracts while ensuring compliance with state procurement policies. For access to statewide contracts, please contact the MCLA Director of Procurement Services.

- **Educational & Institutional Cooperative Purchasing Consortium (E&I)**

The E&I Cooperative Purchasing Consortium is a member-owned, non-profit sourcing cooperative exclusively focused on serving the education community. Members nationwide have worked together to develop a competitive RFP process striving to meet public and individual institution diversity and compliance requirements. Their procurement process has been validated by [NIGP: The Institute for Public Procurement](#) as following generally accepted public procurement standards and have been conducted in a manner that complies with the U.S. Department of Education’s General Administrative Regulations (EDGAR).

- **Sourcewell**

Sourcewell is a cooperative purchasing organization that brings together the collective buying power of over 50,000 government, education, and nonprofit organizations. Their mission is to make purchasing easier, more efficient, and cost-effective for their members. Sourcewell holds hundreds of competitively solicited cooperative contracts that cover a wide array of products and services. Sourcewell manages the solicitation requirements, streamlining the purchasing process for its members.

- **OMNIA Partners**

OMNIA Partners is a cooperative purchasing organization driving excellence in higher education procurement. Their extensive scope of best value college cooperative contracts from industry-leading suppliers provides the immediate solutions colleges and universities need to meet their strategic goals. With a trusted procurement model relied upon by elite higher education

institutions, OMNIA Partners brings unparalleled efficiencies and speed to the purchasing process to help institutions achieve their mission of student success, while attracting and retaining students and faculty. Their contracts are competitively solicited by a leading public agency in accordance with public purchasing rules and regulations.

- **NERCOMP**

NERCOMP is a non-profit consortium serving higher education libraries and IT professionals since 1956. An Association Partner of EDUCAUSE, composed of nearly 300 colleges and universities, NERCOMP is run by a Board of Trustees elected from among member institutions. Member institutions pool their buying power for deep discounts on licensing for everything from server and office software to security and cloud storage. NERCOMP currently has 20+ vendor agreements in place and the vendor committee are always evaluating new vendors to serve members' needs.

- **Partnership to Advance Collaboration and Efficiencies (PACE)**

PACE is a collaborative initiative involving Massachusetts' nine state universities and 15 community colleges. It aims to enhance campus collaboration to achieve cost savings, operational efficiencies, increased productivity, and improved service delivery. The group highlights the benefits of institutional cooperation. Current initiatives include joint purchasing, resource preservation, shared service expansion, and enhancing opportunities for students.

B. Thresholds for Procurement of Supplies and Services

A [threshold procedures chart for procuring supplies and services](#) is available for reference. For procurement thresholds specific to **design services, public building construction, public works construction, or energy conservation and management services**, please review sections 7-9 of this manual.

- **Supplies and Services estimated to cost less than \$5,000**

For procurement of supplies and services estimated to cost **less than \$5,000**, purchases must follow *sound business practices*. This includes checking price lists, seeking quotes, or conducting market research to ensure competitive pricing. In addition to price, factors such as quality, vendor experience, and qualifications may also influence the decision. While not required, soliciting quotes is strongly encouraged even for purchases under \$5,000.

- **Supplies and Services estimated to cost between \$5,000 - \$50,000**

For procurement of supplies and services estimated to cost between \$5,000-\$50,000 necessitates that departments attempt to solicit three quotes unless:

- a. A single or sole source procurement *exception* has been granted
- b. Purchase is qualified as an emergency
- c. Items are purchased from an MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, PACE, or other approved collaborative/collective purchasing consortium contract.

- **Supplies and Services estimated to cost over \$50,000 - \$100,000**

For procurement of supplies and services estimated to cost over \$50,000 and up to \$100,000 necessitates that departments attempt to solicit three quotes based on a *written purchase description or scope of services* unless:

- a. A single or sole source procurement *exception* has been granted
- b. Purchase is qualified as an emergency
- c. Items are purchased from an MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, PACE, or other approved collaborative/collective purchasing consortium contract.

To meet the established procurement standards for supplies or services within this threshold, a structured solicitation process is essential.

Steps to Follow:

1. Review the [Guide to Drafting an Effective Scope of Services or Description of Goods](#).
2. Complete the applicable MCLA Request for Quote (RFQ) template ([RFQ for Supplies](#) or [RFQ for Services](#)), including a detailed purchase description.
3. Distribute the RFQ to at least three vendors to ensure a competitive and transparent selection process
4. Upon reviewing responses, endorse the vendor that offers the highest quality of service at the lowest overall cost.
5. Request a contract or purchase agreement to be awarded to the selected vendor by completing the [Purchase Requisition Form](#) or [MCLA Contract for Services](#).
6. Attach the RFQ to the corresponding MCLA form.

- **Supplies and Services estimated to cost more than \$100,000**
Procurement of supplies and services estimated to cost more than \$100,000 necessitates that departments develop an **Invitation for Bids (IFB)** or a **Request for Proposals (RFP)** for supplies or services unless:
 - a. A single or sole source procurement *exception* has been granted
 - b. Purchase is qualified as an emergency
 - c. Items are purchased from an MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, PACE, or other approved collaborative/collective purchasing consortium contract

Use the **IFB** process when the primary deciding factor is the lowest bid price. This approach is appropriate when the hiring department's objective is to select the most cost-effective offer.

In contrast, the **RFP** process should be used when factors beyond price such as quality, expertise, and performance potential, are critical to the decision. The RFP process allows for a comprehensive evaluation of proposals based on the overall merit before considering price. A [guide to drafting an effective Invitation for Bids and Request for Proposals](#) is available for reference. For additional information and guidance on how to conduct an IFB or RFP, please contact the MCLA Director of Procurement Services.

Procurement of supplies and services made under this section are also required to have a notice posted on COMMBUYS, the MCLA Procurement web page, and with the Secretary of the Commonwealth's Goods and Services Bulletin at least two weeks prior to due date.

C. Bid Splitting

When estimating the cost of a purchase, a department cannot divide a procurement to avoid using the required procurement method. This practice is commonly referred to as 'bid-splitting', and it applies to all procurements. It is essential to avoid bid splitting. Sometimes, there may be a valid business reason for making multiple purchases of the same items. If you have a sound business rationale for your purchasing strategy, it will not be considered bid splitting. However, if you are concerned that your plan to make multiple purchases of an item or service could be viewed as bid splitting, please contact the Director of Procurement Services.

D. Single and Sole Source Procurements

A **single** source procurement occurs when multiple products or vendors exist, but only one option meets the specific needs of the requesting department. The term 'single' indicates that, among several

alternatives, only one is deemed suitable. This method will be considered under limited and justified circumstances.

A **sole** source procurement refers to the acquisition of supplies or services without competition due to the absence of viable alternatives. In such cases, the identified vendor is the only practicable source. Sole source purchases may be made for any supply or service that is estimated to cost no more than \$50,000, provided a reasonable investigation confirms that there is no other source available. Exceptions to the sole source \$50,000 threshold are as follows:

- Software maintenance, library books, and educational materials: You may make noncompetitive sole source purchases in any amount for software maintenance; library books; school textbooks; or educational programs, courses, or curricula in any media, including educational software, newspapers, serials, periodicals, and audiovisual materials, if you determine in writing, after a reasonable investigation, that there is only one practicable source for the items.
- Utilities: You may make noncompetitive sole source purchases of water, gas, electricity, sewer, and telephone services in any amount from a regulated industry company if you determine in writing that there is only one practicable source for the services.

All single and sole source procurement requests must be supported by a written record. To document this process, departments must complete the [MCLA Single/Sole Source Justification form](#) for any purchase exceeding the MCLA competitive bid threshold of \$5,000. The completed form must be attached to the requisition or contract along with any other supporting materials.

You do not have to complete an MCLA Single/Sole Source Justification Form for purchases fitting any of the below criteria:

- The total dollar amount of the requisition is less than \$5,000.
- Purchase qualifies as an emergency.
- Items are purchased from an MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, PACE, or other approved collaborative/collective purchasing consortium contract.
- In certain circumstances, a sole source letter provided by the vendor may be accepted in lieu of the MCLA Single/Sole Source Justification Form. Final approval is subject to the review of the Director of Procurement Services, and the letter must be submitted with the requisition or Contract for Services, along with any supporting documentation.

E. Exempt Procurements

In the rare case of an exempt purchase, the exempt purchase must follow the same requirements as all others except competitive bidding procedures. Departments should contact the Procurement Office in advance for determination if an exemption applies.

F. Emergencies

In situations where complying with the MCLA procurement policy requirements for **supplies and services** would endanger people's health, safety, or risk damage to property, the Vice President of Administration and Finance has the authority to approve an emergency procurement without strictly adhering to the policy requirements. Key points regarding emergency procurements include the following:

- **Scope:** Emergency procurements are limited to supplies or services essential to addressing an emergency.
- **Policy Alignment:** While an emergency procurement may bypass certain policy requirements, it

should still align with the overall MCLA purchasing policy to the extent possible given the circumstance.

- **Documentation:** The Director of Procurement Services must promptly record each emergency procurement. This record should include details such as the vendor's name, purchase amount, contract type, a list of the supplies or services obtained, and the rationale for deeming an emergency.

G. Memberships, Subscriptions, and other Fees

To request payment to an outside vendor for non-tangible items, submit a [Purchase Requisition Form](#). This can include but is not limited to memberships, subscriptions, fees, event tickets, etc.

H. Office Supplies

The college has an agreement with WB Mason for the purchase of office supplies. These supplies are discounted through MHEC (Massachusetts Higher Education Consortium) and State Contract Pricing. All supplies are delivered directly to the ordering department. If you need to access the college account, please contact the MCLA Director of Procurement Services.

I. Amazon Business Prime

The college has a tax-exempt Amazon Business Prime account, by which all Amazon purchases should be made. For new users seeking initial access to MCLA's Amazon account, go to the [MCLA Portal](#) and proceed to the Amazon Business webpage listed under the Staff dropdown. To place an order, submit the order request within the college Amazon account using Pay By Invoice as the payment method, and submit a corresponding [Purchase Requisition Form](#). The Procurement Office will process your order, and items will be delivered to your department.

J. Walmart

The college has a tax-exempt account with Walmart by which all Walmart purchases should be made. For in-store Walmart purchases, complete the [Purchase Requisition Form](#) accordingly to request a credit card. Employees with a college procurement card issued in their name may instead [email Viktoria Bates](#) to request temporary use of a Walmart tax-exempt identification card, which is available to borrow from A&F for in-store purchasing with your procurement card. For all employees requesting an online Walmart order, complete the Purchase Requisition Form accordingly to request that the Procurement Office completes your purchase online, to be delivered to your department.

K. Big Y

The college has a tax-exempt account with Big Y, by which all purchases from Big Y should be made. If you need to make purchases at a Big Y store, please complete the [Purchase Requisition Form](#) accordingly to request a Big Y credit card.

L. Meals

Meals may be requested for business-related travel or various purposes such as special events, meetings, groups, and candidate interviews. Meal requests should have prior VP approval and be accompanied by an agenda/event flyer and a list of attendees. It is also required to submit the itemized original receipt to A&F. Meals during travel should be kept within the current per diem meal rates. Tips given to waitstaff should not exceed the standard rate of 20% for dine-in service and 10% for delivery.

- Employees requesting meals for special events, meetings, groups, or candidate interviews should request temporary use of an A&F procurement card via the [Purchase Requisition Form](#).
- Employees engaging in business-related travel may submit for meal reimbursement upon return via the [Reimbursement Request Form](#). See the Travel/Reimbursement Policy and Procedures for guidelines.

- Employees with a college procurement card issued in their name should obtain prior VP approval for requested meals and, if approved, include the supporting documentation (agenda, attendees, pre-approval, itemized original receipts, etc.) with their monthly expense report. See the Procurement Card Policy and Procedures for guidelines.

M. Tipping

Occasionally, it may be reasonably expected to provide a tip for a service, such as for dining or transportation providers. The following guidelines should be followed when determining the tip amount:

- Tips given to waitstaff should not exceed the standard rate of 20% for dine-in service and 10% for delivery.
- Tips given to transportation drivers should not exceed the standard rate of 20%.

N. Campus Store

University Gear Shop (“UGS”) is the college’s gear provider at the on-campus store, Murdock’s Merch. If you need to make a purchase at Murdock’s Merch, please complete the [Purchase Requisition Form](#) accordingly for goods that will not ship. The Procurement Office will process your request and supply UGS with a Purchase Order number, at which point you may visit the store to complete your purchase. Provide your PO # at the register; no payment will be rendered at the point of sale. Submit your receipt to A&F.

O. Enterprise Rent-A-Car

The college has an Enterprise account with Massachusetts Higher Education Consortium (MHEC) negotiated rates, by which all Enterprise vehicle rentals should be made. If you need to access the college’s Enterprise account to reserve a rental vehicle, utilize the [Enterprise rates chart](#) to determine an estimated total cost for your rental and submit a [Purchase Requisition Form](#) accordingly. Once the form is approved, contact A&F for Enterprise account information so you may make your rental reservation. MCLA Procurement Cardholders may alternatively render payment on their p-card using the college’s Enterprise account with MHEC rates. The Enterprise program is available for MCLA employees and is not intended for visitors or guests of the college.

P. Hotel Corporate Rate Agreements

The college maintains annual corporate rate agreements with local hotels to support departmental needs in providing accommodations to guests visiting campus. A guide for utilizing these agreements is provided on the [A&F Forms and Policies webpage](#).

Q. Furniture and ADA Accommodation Requests

The purpose of this section is to establish clear guidelines and procedures for furniture procurement and standardization at MCLA. By streamlining processes and ensuring consistency, we aim to enhance efficiency and cost effectiveness.

- **Responsibility and Collaboration:** The responsibility of recommending, specifying, and ordering furniture and furniture-related equipment will be shared among key departments: the MCLA Procurement Office, Facilities, IT, and Human Resources. These departments will collaborate closely to ensure that furniture acquisitions align with institutional needs and standards.
- **Standardization Objectives:**
 - Comfort and Durability: Standardized furniture must meet the rigorous demands of the institutional offices, providing comfort and durability for long-term use.
 - Vendor Selection: Whenever possible, furniture should be purchased from competitively sourced consortium contracts. By doing so, we leverage the college’s purchasing power effectively and work with pre-approved vendors who meet the college’s quality, service, and cost requirements.

- c. **Interchangeability:** Standardized furniture facilitates the interchangeability of parts, making maintenance and replacement more efficient.
- **Lead Time and Submission Deadline:** To ensure timely delivery and invoicing, all furniture requests should be submitted by April 1. The typical lead time for furniture delivery is 8-10 weeks. Meeting this deadline will help to align with the Procurement Office's year-end processes.
- **Warranty:** Furnishings purchased through dealers come with a warranty period, ensuring quality and reliability.
- **ADA Accommodations:** Employees seeking furniture adjustments or accommodation must obtain approval from Human Resources (HR) and complete the appropriate HR accommodation forms. Signed forms should be attached to the [Purchase Requisition Form](#) before submission.
- **Massachusetts Comprehensive Fire Safety Code:** Upholstered furniture is regulated by the Massachusetts Fire Safety Code (527 CMR 12.6.3, based on NFPA 1). In sprinkled spaces, the flammability standards requirement must comply with CAL TB 117. If the assembly space is not sprinkled-protected, compliance with CAL TB 133 is required.
- **Approved Desk Chairs Available on Campus for Testing:** We have carefully evaluated and approved the following office chairs for campus use.
 - a. Kruger International (KI) - Altus, Signa, Oath, Torsion Air
 - b. Allseating - Presto
 - c. Sit on It Seating - Vectra
 - d. Humanscale - World One
 - e. Herman Miller - Aeron

R. Gift Cards

Gift Cards may only be purchased as a prize, such as for contest or raffle winners. Gift cards may not be utilized as a form of compensation, gratitude for completion of a service, or participation incentive for survey respondents. A [Purchase Requisition Form](#) must be submitted to request prior approval. It is recommended that approved gift cards be delivered electronically via email to the intended recipient. If a physical card is preferred, the awarding department must provide the recipient's name(s) to the Administration and Finance Office by completing the [MCLA Gift Card Receipt Log](#).

S. Petty Cash

In specific situations it may be necessary for a department to have cash-in-hand, most commonly to fill a cash box utilized for making change during cash-based ticket sales at the door of an MCLA event, such as a theatre production or athletic event. Petty cash will not be issued to employees for the purpose of making a purchase. Petty cash is issued in the form of a check payable to an MCLA employee who will cash the check. To request petty cash, the employee who will receive the check must submit a [Purchase Requisition Form](#). Select the dropdown for petty cash and type petty cash into the Vendor Name field. The [Petty Cash Tally Sheet](#) is provided for reconciling the cash box. The requester is responsible for returning the full amount of petty cash funds to the Bursar's Office at the completion of the event. The Bursar's Office will provide a Cash Receipt Voucher that must be delivered to A&F as verification that the funds have been returned to the college.

T. MCLA Contract for Services

Most services require a **contract**, which is a legally binding agreement between two or more parties. In the context of M.G.L. 30B, one party agrees to provide the service, and the other party promises to pay for the service when it is delivered. An [MCLA Contract for Services](#) or Massachusetts Standard Contract is required for all services provided to the college except for those exempt from the MCLA Procurement Policy (see Exempt Procurements – section 5E). The contract protects the college and vendor by outlining expectations and deliverables.

Service agreements, construction contracts, contracts for goods, real estate, leases, or any document **containing terms and conditions**, must be signed by an authorized signatory of the college, or the agreement will be non-binding. A list of [MCLA authorized signatories](#) is provided for reference. **Before scheduling services, ensure that the contract is fully executed, and a contract number has been assigned to the MCLA Contract for Services or Commonwealth's Standard Contract Form.** Additionally, remember to consider the total dollar amount for all the years of the contract, including optional years, when determining the appropriate procurement threshold procedure.

U. Vendor Contracts/Agreements

MCLA departments are **not** allowed to execute vendor contracts or service agreements. The Massachusetts Office of the Comptroller and Operational Services Division recommends against the execution of any vendor or contract boilerplate, or the acceptance of vendor invoices or purchase orders with contractual terms. Many of these forms contain terms that diverge from the standard Commonwealth terms potentially benefiting the vendor while putting the Institution at a disadvantage.

The Massachusetts Attorney General's Office also advises against executing vendor contracts, even if a vendor requests signatures in return for the vendor's signature of the Commonwealth contracts. The college may be faced with unusual circumstances in which a contractor refuses to sign the Commonwealth contracts, conditions the signature on material changes to the contract, or demands the college's signature on a vendor contract or the vendor will not provide performance. In circumstances where executing a vendor contract or service agreement is unavoidable, only an [MCLA authorized signatory](#) can sign and bind the college to the vendor contract.

V. Self-Insurance and Indemnification

MCLA is self-insured by the Commonwealth and covers its damages by using state funds. Therefore, the college is prohibited from insuring property or equipment. This prohibition also extends to leased property. The leasing company must insure its own equipment and can include the cost in lease payments but cannot charge separate fees. Vendors should be informed that MCLA does not purchase additional insurance or provide proof of insurance. College departments may provide vendors requesting proof of insurance a Certificate of Insurance letter from our legal counsel, a current copy of which is available on the [MCLA A&F Forms and Policies webpage](#). Massachusetts employees are covered under the Massachusetts Tort Claims Act for liability related to personal and property damage caused during official duties, with claims being paid by the Commonwealth subject to available funds.

The Massachusetts Constitution mandates that all claims for money due and owing are subject to appropriation. Any language in a contract which attempts to obligate the college to indemnify or otherwise obligate the Commonwealth to pay damages at some future date, in advance of appropriation, is deemed void. Therefore, no contract may contain language obligating the college to pay damages or indemnify a contractor without appropriation.

W. Individual Contractors - Contract Employee or Independent Contractor – M.G.L c. 149 s. 148B

When a department seeks the services of an individual, it faces the initial task of determining whether those services fall under the purview of a contracted employee or an independent contractor. This classification significantly impacts the working relationship the individual has with the college. To guide this process, Massachusetts General Law (M.G.L.) c. 149, s. 148B, provides a three-part test for correctly classifying individuals in either category. If an individual fails to meet any of the three factors, they are considered an employee. The test is conducted by completing the [Commonwealth's Employee Status Form](#).

Before an individual commences services, the hiring department **must** submit the [Employee Status Form](#) and scope of work to the Executive Director of Human Resources for review and approval. If the services provided are determined to be those of an independent contractor, the approved Employee Status Form **must** be attached to the MCLA Contract for Services. Even if a competitive procurement process leads to the selection of an individual (regardless of whether the procurement was specifically for individual services), it remains essential to assess the specific working circumstances outlined in the scope of work to determine the individual's work status. For non-exempt services exceeding \$5,000, competitive procurements are mandatory for individuals classified as independent contractors. Note that Employee Status Forms are subject to audit by the Massachusetts Office of the Comptroller.

The Attorney General's Office has issued an advisory that explains the purposes of the law and how the Attorney General's Office understands and enforces the law. The [independent contractor advisory from the Attorney General's Fair Labor Division](#) is available for your review.

6. DOCUMENTATION AND SUBMITTAL PROCEDURES FOR SUPPLIES AND SERVICES

All requests for supplies and services are initiated by the originating department.

A request for **supplies** is submitted by means of the [Purchase Requisition Form](#). Applicable supporting documentation should be attached to the form, such as:

- Competitive quotes or written documentation of an attempt to solicit quotes
- Single/sole source justification form or vendor's sole source letter
- Vendor's W-9 form

The MCLA Buyer will review all supply requisitions for clarity, accuracy, completeness, proper authorization, and fund availability. The Buyer will periodically seek additional quotes and make recommendations to support and confirm that quality supplies at the best possible value will be purchased.

A request for **services** is submitted by means of the [MCLA Contract for Services](#). Applicable supporting documentation should be attached to the form, such as:

- Competitive quotes or written documentation of an attempt to solicit quotes
- Scope of work attachments
- Vendor agreement/contract
 - Hiring departments should not sign vendor agreements. Attach the unsigned agreement, and A&F will review and gather signature of an [MCLA authorized signatory](#) if necessary.
- Vendor's W-9 form
- Approved employee status form for individuals, as identified by their tax classification on the W-9
- Single/sole source justification form or vendor's sole source letter

A&F will determine if it is appropriate to transition submitted Contracts for Services to the Commonwealth's Standard Contract Form due to factors such as funding source, dollar amount, type of service, etc.

All requests for IT supplies or services must adhere to the guidelines outlined in the [IT Procurement Policy](#).

A request for **software** is submitted based on the following guidelines:

- Request to purchase **downloadable Software** to be owned by the college should be requested by the [Purchase Requisition Form](#).
- Request to purchase **Cloud-Based Software** (e.g., Subscription Software, Software as a Service "SaaS", Platforms as a Service "PaaS", Infrastructure as a Service "IaaS"), with a total annual value

- of \$4,999 or less should be requested by the [Purchase Requisition Form](#).
- Request to purchase **Cloud-Based Software** (e.g., Subscription Software, Software as a Service “SaaS”, Platforms as a Service “PaaS”, Infrastructure as a Service “IaaS”) with a total annual value of \$5,000 or more should be requested by the [MCLA Contract for Services](#).

A. Contract Management

The **contract administrator** is the staff or faculty member who initiated the service request and is responsible for managing the contract’s performance. The administrator must:

- Possess the expertise necessary to evaluate whether the contractor’s performance meets expectations.
- Be thoroughly familiar with all contract requirements.
- Serve as the subject matter expert for the requested service.

The requestor should anticipate a minimum of 5 to 7 business days to complete the contract approval process and must plan accordingly.

A **contract amendment** is required for any changes that occur to the contract during the contract period such as changes in price, scope, and length of the contract.

The Procurement Office oversees all contract issues and terminations. If an issue cannot be resolved, then the Director of Procurement Services will follow the appropriate protocol to terminate the contract in accordance with the Commonwealth Terms and Conditions.

B. Insurance

All vendors providing moderate to high-risk services to the college should provide a Certificate of Liability Insurance (COI) naming Massachusetts College of Liberal Arts as an additional insured party (certificate holder). The Certificate of Liability Insurance protects the institution from loss or exposure. It is a standardized document that offers evidence of the vendor’s insurance coverage. The effective dates of the policy must be valid and active during the contract period. Levels of coverage are as follows.

- Commercial General Liability:** Combined limits for bodily injury, personal injury, and property damage of at least \$2,000,000 per occurrence and \$4,000,000 per aggregate
- Automobile Liability Insurance:** Covering any automobile used by the insured with combined limits for bodily injury and property damage of at least \$1,000,000 per accident.
- Worker’s Compensation Insurance:** In compliance with applicable federal and state laws including employers’ liability insurance with limits of at least \$1,000,000 per occurrence.

Examples of Moderate to High-Risk Services:

• Building Construction Contracts	• Snow or Tree Removal
• Public Works Construction Contracts	• Maintenance/Repair Services
• Transportation Services	• Professional Services (Consultants, IT, etc.)
• Heavy Machinery Services	• Food Services (Catering/Food Trucks)
• Recreational Services (rock wall, inflatables, etc.)	• Refuse Transportation & Disposal

C. Asset and Inventory Management

MCLA has a significant investment in assets and is committed to recording, maintaining, and safeguarding these assets against loss. The Director of Procurement Services is responsible for the centralized accounting and timely reporting of college assets, while departments are responsible for the proper use and protection of assets in their custody.

MCLA utilizes the **WASP Asset Cloud Inventory Management System** to record and maintain asset details, including:

- Acquisition of assets costing \$1,000 or more.
- Assigned RFID bar-coded inventory tag number.
- Asset location, type, category, department, purchase date, manufacturer, and PO #.
- Change in asset status (e.g., transfer, relocation, or disposal).

Relocation, Transfer, or Disposal of Tagged Property: Department planning to relocate, transfer, or dispose of college-owned property with an assigned asset tag ID must first contact the MCLA Director of Procurement Services. The Director will determine the appropriate method and apply best practices for surplus property management. If approved, the department must complete the [Inventory Control Property Location Form](#). No tagged property may be moved permanently from its assigned WASP location or disposed of without written approval from the Director of Procurement Services.

Reporting Missing, Damaged, or Stolen Property: If property is believed to have been damaged, missing, or stolen, faculty or staff must immediately report the issue to MCLA Public Safety and complete the MCLA [Inventory Control: Missing/Damaged Property Form](#). This ensures proper tracking and investigation.

Compliance with State Regulations: All state agency-owned personal property acquired with *appropriated funds* (excluding land and buildings) must be transferred or disposed of in accordance with the Commonwealth's Surplus Property Regulations ([802 CMR 3.00](#)).

Disposition of College-Owned Surplus Property: For surplus property purchased with *trust funds* and valued at less than \$10,000, the Director will oversee disposition using best practices. For items exceeding \$10,000 in resale or salvage value, a sealed bid or public auction process is required. The Director may engage auction professionals or online platforms to ensure maximum return.

7. DESIGN SERVICES - Governed by M.G.L c. 7C, § 44 to 58.

The **Designer Selection Board (DSB)** is the central authority responsible for selecting firms to provide design services for state building projects across the Commonwealth of Massachusetts. Established under M.G.L. c. 7C s. 46, the DSB is an autonomous, eleven-member board that reviews and selects qualified professional architects, engineers, interior designers, programmers, and construction managers for state agency projects. The board's mission, policies, and selection procedures are overseen by its Executive Director.

Massachusetts College of Liberal Arts must comply with DSB guidelines when the design fee is **\$30,000 or more, and the estimated construction cost (ECC) is \$300,000 or more**. If either threshold is *not* met, the college may procure its own design services. When the thresholds apply, the DSB conducts a formal qualifications-based selection (QBS) process on behalf of the college, following the requirements of the Designer Selection Law (M.G.L. c. 7C s. 44-58).

The process begins when design firms submit a DSB Application Form to be considered for a project. The DSB then evaluates and ranks applicants based on their qualifications, incorporating input from the college. After ranking, the board forwards the top three candidates to the Commissioner of the Division of Capital Asset Management and Maintenance (DCAMM). The Commissioner appoints one of these three designers; if the highest-ranked candidate is not chosen, the Commissioner must provide a written explanation for the decision.

Projects funded through DCAMM often require professional consultants for planning and design, and all state

agencies procuring design services for public building construction must comply with the Designer Selection Law. This law mandates a competitive QBS process for contracts involving designers, architects, engineers, interior designers, or construction managers. These services typically include preparing master plans, feasibility studies, surveys, soil tests, cost estimates, drawings, specifications, and schematics, as well as supervising or administering construction contracts and managing construction schedules.

A. Threshold Procedures for the Procurement of Design Services

A [threshold procedures chart for procuring design services](#) is available for your reference.

- **Estimated construction cost of less than \$300,000 or estimated design fee less than \$30,000**
There is no formal procurement procedure for design services for which the estimated construction cost will be less than \$300,000 or the design fee will not cost more than \$30,000; however, it is recommended that prices and qualifications be submitted from at least three design firms.
- **Estimated construction cost of more than \$300,000 or estimated design fee more than \$30,000**
Design services where the estimated construction cost will be more than \$300,000 and the design fee will cost more than \$30,000 are subject to a qualifications-based selection process. In this case, the Commonwealth's "Designer Selection Law" must be followed utilizing the DSB and DCAMM.
- **Estimated construction cost of more than \$1.5 million**
Before contracting design services for any public building project with an estimated cost of **\$1.5 million or more**, the College is required to engage a qualified **Owner's Project Manager (OPM)**. The OPM must be selected through a qualifications-based selection (QBS) process in accordance with state requirements.

For detailed instructions, consult the [Division of Capital Asset Management and Maintenance \(DCAMM\) OPM Guidelines](#). For additional information and assistance to ensure compliance with the process, please contact the MCLA Director of Procurement Services.

8. PUBLIC CONSTRUCTION - Governed by MGL c. 149, § 44A to 44M and MGL c. 30, § 39M.

All procurements involving either **vertical construction** (building alterations or new construction) or **horizontal construction** (site work for non-building public works) are governed by Massachusetts law. Specifically, vertical construction projects are subject to **M.G.L. c. 149, § 44A–44M**, while horizontal construction projects fall under **M.G.L. c. 30, § 39M**, including requirements for filed sub-bids when certain monetary thresholds are met. These statutes impose strict procurement rules on labor and materials for covered projects. Accordingly, the Procurement Office will adhere fully to the specific legal requirements applicable to each project. The [Public Building Construction FAQ](#) is provided for reference.

A. Public Building Construction: M.G.L. c. 149, § 44A to 44M

A "building" can be defined as any "structure with walls and a roof." Any time you are physically making a change to any structural component of a building - that is considered a building contract.

Activities within the term "construction of a building" include construction, reconstruction, installation, demolition, maintenance, or repair.

By definition, "construction" is the building or alteration of a building.

B. Public Works Construction: M.G.L. c. 30, § 39M

Public Works is the creation of a public improvement having nexus to land. This work is typically defined as "horizontal construction." It includes construction and repair of roads and bridges, water mains and sewers, improvements to parking lots, walkways, stairs, parks, athletic fields, etc.

Activities within the term "construction of a public work" include construction, reconstruction, alteration, remodeling, or repair.

Procurement of a contractor for *construction, reconstruction, alteration, remodeling, or repair* of any **public work**, or for the purchase of any material related, is subject to M.G.L. c. 30, § 39M.

C. Prevailing Wages: MGL c. 149, §27

Overview: All labor and materials contracts for the construction, reconstruction, installation, demolition, or repair of public works or public buildings are subject to the Massachusetts Prevailing Wage Law. This law requires payment of prevailing wages on all public works and public building projects, **regardless of cost or size**. Covered activities generally include:

- New construction, renovation, repair, and demolition
- Road or parking lot work
- Equipment rental
- Moving office furniture
- Cleaning state office buildings
- Trash hauling
- School bus transportation

Definition of Construction Under Prevailing Wage Law (M.G.L. c.149, §27D): The Department of Labor Standards (DLS) broadly interprets the term "**construction**" to include a wide range of activities subject to prevailing wage requirements, such as:

- Additions, alterations, or repairs to public buildings or infrastructure
- Installation of resilient flooring, painting, and other finishing work
- Site Preparation, including soil explorations, test borings, and demolition for clearance
- Installation, repair, or removal of equipment permanently affixed to a building or site
- Replacement of parts considered repair
- Work involving building systems such as HVAC, plumbing, electrical, communication, asbestos abatement

The **Department of Labor Standards (DLS)** has clarified that any work that *pierces the building structure* such as installing wall-mounted equipment or replacing windows and doors, qualifies as construction and is subject to prevailing wage requirements.

Testing, inspections, and routine maintenance: Routine testing, inspections, or maintenance (e.g. cleaning, oiling parts, replacing filters, etc.) typically do *not* trigger the prevailing wage requirements unless they result in repair or construction of a public work or building.

Prevailing Wage Rate Schedules: Before soliciting bids for any public construction project, MCLA must obtain a Prevailing Wage Rate Sheet from DLS. These rates are valid for 90 days from the date of issuance. If a project is not bid on within that timeframe, a new rate sheet must be requested. Once a project is bid on, the prevailing wage rates remain in effect for the duration of the resulting contract, except for multi-

year projects, which require annual rate updates. Use the online system at www.mass.gov/dols/pw to register and obtain schedules.

Steps for Compliance: Project Specific Wage Rates

- **Distribute Wage Schedules:** Provide copies to all bidders submitting price quotes. Public works and building projects not formally bid are still subject to this requirement. Because DLS does not issue wage schedules directly to contractors, MCLA is responsible for providing them.
- **Project-Specific Schedules:** Each wage schedule applies only to the specific public works project for which it was issued.
- **Review Bids for Compliance:** Ensure all bids reflect prevailing wage rates. Contractors may be asked to demonstrate compliance capability.
- **MCLA Contracts for Services:** Any MCLA contract governed by the prevailing wage law must include three documents: **Prevailing Wage Rate Sheet**, **Prevailing Wage Statement of Compliance**, and a copy of the **Massachusetts Weekly Certified Payroll Report Form**. These documents are available on the [DLS Prevailing Wage Program website](http://DLS%20Prevailing%20Wage%20Program%20website).

Steps for Compliance: Isolated Repair / Periodic Wage Schedule

- **Isolated Repair / Periodic Wage Schedules:** Intended only for **minor, incidental, or emergency repairs** (e.g., broken window, quick boiler fix) typically costing **under \$1,000**. These schedules shall not be used for planned projects or larger work. Any planned or substantial project requires a separate prevailing wage schedule from the Department of Labor Standards (DLS).
- Enter *“Periodic rate sheet for minor isolated work”* in the Project Description field when obtaining a wage rate schedule.
- Rates will be effective for the specified period (six or twelve months).
- **DLS monitors usage to prevent abuse of this provision.**

D. Threshold Procedures for the Procurement of Public Building Construction

A [threshold procedures chart for the procurement of public building construction](#) is available for your reference.

- **Procurements with an estimated construction cost (ECC) under \$10,000**

For public building construction projects estimated to cost less than \$10,000, procurement must follow sound business practices. This includes checking pricing, seeking quotes, or conducting market research to ensure favorable pricing. Sound business practices may also involve considering factors such as quality, contractor experience, and qualifications. While not required, soliciting quotes is strongly encouraged even when the purchase is under \$10,000.

Under the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by the Operational Services Division (OSD).

All contracts under this section are subject to the Prevailing Wage Law.

- **Procurements with an estimated construction cost (ECC) between \$10,000 - \$50,000**

For building construction contracts estimated between \$10,000 and \$50,000, a written solicitation must be prepared that includes a detailed **scope of work**. This scope should clearly define the work to be performed and provide potential responders with sufficient information about the project objectives, requirements, and timeline. It should also outline any experience requirements and request references when appropriate.

You are required to solicit at least **three written responses** from potential contractors. All Requests for Responses (RFRs) must be written and clearly communicated to each vendor, and documentation of all solicited responses must be included in the requisition process. In addition, solicitations must be advertised on the MCLA website, COMMBUYS, and in the Central Register. Compliance with OSHA training requirements and payment of Prevailing Wages is also mandatory.

Steps to Follow:

1. Review the [Guide to Drafting an Effective Scope of Work Statement](#).
2. Complete the applicable [MCLA Request for Response \(RFR\) Public Building Construction Solicitation Template](#).
3. Email the RFR to the MCLA Director of Procurement Services for review and posting on the MCLA procurement website, Commbuys, and Central Register.
4. Upon reviewing responses, the Director of Procurement Services will award the contract to the lowest bidder and proceed with the necessary paperwork.

Under the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by the Operational Services Division (OSD).

All contracts under this section are subject to the Prevailing Wage Law.

- **Procurements estimated to cost over \$50,000 to \$150,000**

For public building contracts estimated between \$50,000 and \$150,000, procurement must follow a sealed bid process. The solicitation notice must be published in a newspaper and posted on the MCLA website, COMMBUYS, and in the Central Register. Contractors are required to provide a payment bond equal to 50% of the total contract price, along with proof of OSHA training and compliance with Prevailing Wage requirements.

- **Procurements estimated to cost over \$150,000**

For contracts estimated to cost over \$150,000, all the above requirements apply, with additional conditions. The solicitation must require DCAMM certification for the general contractor and all subcontractors. Contractors must also provide a 100% payment bond, a 100% performance bond, and complete a DCAMM evaluation. Filed sub-bids are required for any trade within the construction contract where the estimated cost is \$25,000 or more, and building contracts over \$150,000 must participate in the mandatory DCAMM evaluation process.

E. Emergency Procurements for Public Building Construction

For building construction projects subject to M.G.L. c. 149, you may waive the normal bidding procedures for work needed to preserve the health or safety of people or property, or to alleviate an imminent security threat. Prior approval of the emergency by the Division of Capital Asset Management and Maintenance (DCAMM) is required unless the situation's urgency makes it impossible to contact DCAMM in advance. In such a case, you may start the emergency work, but you must contact DCAMM as soon as possible to request approval. If DCAMM determines that an emergency waiver is warranted, DCAMM may waive public notice and public bidding requirements for the work. The waiver must be obtained in writing. If DCAMM subsequently disapproves the emergency request, work must be stopped immediately, although the contractor is still entitled to payment for the fair value of the labor and materials provided prior to the stop work order.

Although formal bidding may not be required in an emergency, you should solicit as many informal

quotations or bids as is possible under the circumstances. Note also that other M.G.L. c. 149 requirements, including prevailing wage requirements, will still apply to the contract. You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew or should have known that a roof needed repair, and you had time to fix it using the normal bidding procedures, you may have difficulty justifying the use of emergency procedures when it starts leaking.

For additional information and assistance to ensure compliance with the process, please contact the MCLA Director of Procurement Services.

F. Threshold Procedures for the Procurement of Public Works Construction (M.G.L. c. 30, § 39M)

A [threshold procedures chart for the procurement of public works construction](#) is available for your reference.

- **Procurements estimated to cost less than \$10,000**

For public works construction projects estimated to cost less than \$10,000, procurement must follow sound business practices. This includes checking price lists, seeking quotes, or conducting market research to ensure competitive pricing. In addition to price, factors such as quality, contractor experience, and qualifications should also be considered. While not required, soliciting quotes is strongly encouraged even for purchases under \$10,000.

All contracts under this section are subject to the Prevailing Wage Law.

- **Procurements estimated to cost between \$10,000 - \$50,000**

For public works construction contracts estimated between \$10,000 and \$50,000, a written solicitation must be prepared that includes a detailed scope of work. This scope should clearly define the work to be performed and provide potential responders with sufficient information about project objectives, requirements, and timelines. It should also outline any experience requirements and request references when appropriate.

At least three written responses must be solicited from potential contractors. All Requests for Responses (RFRs) must be in writing, clearly communicated to each vendor, and documented as part of the requisition process. Solicitations must also be advertised on the MCLA website, COMMBUYS, and in the Central Register. Compliance with OSHA training requirements and payment of Prevailing Wages is mandatory.

Steps to Follow:

1. Review the [Guide to Drafting an Effective Scope of Work Statement](#).
2. Complete the [MCLA Request for Response \(RFR\) Public Works Construction Solicitation Template](#)
3. Email the RFR to the MCLA Director of Procurement Services for review and posting on the MCLA procurement website, Commbuys, and Central Register.
4. Upon reviewing responses, the Director of Procurement Services will award the contract to the lowest bidder and proceed with the necessary paperwork.

Under the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by the Operational Services Division (OSD).

- **Procurements estimated to cost over \$50,000**

For public building contracts estimated to cost more than \$50,000, procurement must follow a

sealed bid process. The solicitation notice must be published in a newspaper and posted on the MCLA website, COMMBUYS, and in the Central Register. Contractors are required to provide a payment bond equal to 50% of the total contract price, along with proof of OSHA training and compliance with Prevailing Wage requirements. For additional guidance on conducting this process, please contact the Director of Procurement Services.

- **Procurements estimated to cost \$10 million or more**

For contracts estimated at \$10 million or more, all the above requirements apply, with an additional mandatory prequalification process for both general contractors and sub-bidders. This prequalification must be completed before bidding begins, and only contractors who have been approved through this process may participate in the bidding phase.

G. Emergency Procurements for Public Works Construction

For Public Works projects, you may waive the normal bidding procedures for public works construction projects and construction materials contracts subject to M.G.L. c. 30, § 39M, only in cases of "extreme emergency caused by enemy attack, sabotage or other such hostile actions or resulting from an imminent security threat, explosion, fire, flood, earthquake, hurricane, tornado and other such catastrophe." Only work or materials necessary for "temporary repair and restoration to service of any and all public work in order to preserve health and safety of persons and property" may be performed. You must obtain a written waiver of the public notice requirements from DCAMM.

9. ENERGY CONSERVATION & MANAGEMENT SERVICES - Governed by M.G.L. c. 25A

This policy establishes streamlined, compliant procedures for procuring **energy conservation and efficiency projects** and **energy management services** at MCLA. It leverages statutory tools under **M.G.L. c 25A** to enable faster delivery, cost savings, and decarbonization outcomes for campus facilities. It reflects the limited bid-law exemption under M.G.L. c. 25A, § 14 for qualifying projects and clarifies when involvement by Division of Capital Asset Management and Maintenance (DCAMM) or Department of Energy Resources (DOER) is required under M.G.L. c. 25A, § 11C-11I. If the college contracts with a designer to assist with the solicitation, the design contract will be subject to M.G.L. c. 7C s. 44-58, the designer selection law.

A. Energy Conservation and Efficiency Projects

Legal Framework: **M.G.L. c. 25A, § 14** authorizes MCLA to contract directly for certain **energy conservation projects** without competitive bidding, subject to cost limits and provider eligibility.

Definition & Eligibility: Energy conservation and efficiency projects shall mean projects aimed at reducing energy consumption with a Total Project Cost of \leq \$300,000, including equipment and installation.

Examples include:

- Energy-conserving modifications to windows and doors
- Caulking and weather-stripping
- Insulation upgrades
- Automatic energy control systems
- Hot water systems
- Equipment for variable steam, hydraulic, and ventilating systems
- Plant and distribution system modifications
- Devices for modifying fuel openings
- Electrical or mechanical furnace ignition systems
- Utility plant system conversions
- Replacement or modification of lighting fixtures

- Energy recovery systems
- On-site renewable energy generation equipment (per § 11F)
- Decarbonization activities
- Cogeneration systems

Procurement Rules: Energy Conservation Projects (ECP) with a Total Project Cost up to \$300,000

- The College may contract directly with electric or gas utilities, their subcontractors, or other providers authorized under M.G.L c. 25 s. 19, 21 and c. 25A s. 11G for energy conservation measures without competitive bidding.
- These contracts are exempt from M.G.L. c. 149 and c. 30 §39M.
- The total project cost shall include equipment and installation but exclude any free utility-provided services.
- DCAMM/DOER Involvement is not required. DCAMM may choose to contract directly up to \$500,000, but the college's use of § 14 ≤ \$300,000 does not require DCAMM.
- For § 14, DOER may request copies of post-project, but only solicitations and contracts under § 11C or § 11I are explicitly filed with DOER.
- Avoid bid splitting to bypass §14 limits; note that replacement of burners/furnaces/boilers is no longer eligible under §14 and must follow c.149 procurement.

If the ECP project involves construction or alteration of a public facility, prevailing wage requirements apply.

B. Energy Management Services (EMS)

Legal Framework: M.G.L. c. 25A § 11C-11I govern procurement of **Energy Management Services (EMS)** through competitive RFP or RFQ processes, with DCAMM oversight and DOER notification.

Definition & Eligibility: Energy management services (EMS) is defined as a program of services, including **energy audits, energy conservation measures, energy conservation projects** or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating buildings, which may be paid for, in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from such services.

Contracts for **EMS** shall be procured in accordance with **M.G.L. c. 25A, §§ 11C-11I**, which governs competitive procurement of energy efficiency and performance-based services for state agencies and building authorities. To qualify for Energy Management Services (EMS) contracts, vendors must demonstrate experience and capability in delivering comprehensive energy management solutions, including energy audits, design, installation, commissioning, and performance monitoring. Vendors should have proven financial stability and the capacity to manage multi-year, performance-based contracts. They must comply with all applicable Massachusetts licensing, bonding, and insurance requirements and provide evidence of successful completion of similar projects for public entities or large-scale facilities.

Procurement Rules: Energy Conservation Projects exceeding \$300,000 or Energy Management Service Contracts

- For projects exceeding \$300,000 or involving comprehensive energy management services, MCLA shall follow procurement procedures under M.G.L. c. 25A, §§11C-11I, including:
- Issuing a **Request for Proposals (RFP)** or **Request for Qualifications (RFQ)** in accordance with statutory requirements.
- Require 1-week advance DOER notification before issuing an RFP/RFQ
- Include joint development of RFP with DCAMM and DCAMM Commissioner's signature or

delegation.

- Mention that both RFP (11C) and RFQ (11I) are permitted routes under EMS law.
- Providing advance notice and obtaining acknowledgment from the Division of Capital Asset Management and Maintenance (DCAMM) prior to advertising.
- Ensuring all solicitations include required content such as scope of services, evaluation criteria, and mandatory contract terms.
- Securing DCAMM approval and signature for contracts, unless delegated authority applies.
- For EMS under §§11C/11I, file executed contract with DOER within 30 days, publish award in Central Register, and comply with annual EMS reporting under 225 CMR

If the ECP project involves construction or alteration of a public facility, prevailing wage requirements apply.