



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

October 18, 2010

Dear Councillors:

The Committee on Government Operations held a hearing to discuss Docket #1082, An Act Amending Contract Procedures in the City of Boston. This matter was sponsored by Mayor Menino, referred to this Committee on Wednesday, August 4th, 2010 and heard at a public hearing on Thursday, October 5th, 2010 at which public comment was taken.

Docket #1082 is a home rule petition affecting the City of Boston's public procurement procedures. The Boston City Charter requires that any city contract valued at \$10,000 or more must be publicly advertised. However, according to the state public procurement law M.G.L. ch. 30B, only public contracts valued at \$25,000 must be publicly advertised. This home rule petition will amend the City Charter and raise the threshold from \$10,000 to be consistent with the threshold set forth in M.G.L. ch. 30B.

At the hearing, the administration testified that Docket #1082 will not only bring the City Charter in conformity with state law, but also save costs and make government more efficient. The home rule petition will affect about 8% of the total number of city procurement contracts, each of which cost approximately \$1,400 to advertise and execute. In passing this home rule petition, the City estimates an annual cost savings of \$300,000.00. These contracts are typically to procure one or two small pieces of equipment – a hydraulic jack or drill – or to obtain simple services – the cleaning of a municipal lot. Under the current process, these small contracts require three and a half weeks alone to advertise.

It is important, however, to emphasize that this home rule petition does not eliminate the requirement to solicit bids for contracts. The petition only seeks to eliminate the provisions that require the advertising of bids.

The committee considered technical amendments to the original proposed draft submitted by the administration.

The Committee on Government Operations, to which the following was referred:

Docket #1082 An Act Amending Contract Procedures in the City of Boston

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, the Chair respectfully recommends that this matter **ought to pass in a new draft.**

For the Chair:

Maureen Feeney, *Chair*
Committee on Government Operations

NEW DRAFT

(ORIGINAL DRAFT ATTACHED)

**CITY OF BOSTON
IN CITY COUNCIL**

ORDERED: That a petition to the General Court, accompanied by a bill for a special Law relating to the City of Boston, to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) Of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

AN ACT AMENDING CONTRACT PROCEDURES IN THE CITY OF BOSTON.

SECTION 1. Notwithstanding any general or special law to the contrary, Section 6 of chapter 418 of the acts of 1890 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 262 of the acts of 1998, and inserting in place thereof the following sentence:-

“All contracts made by any department of the city of Boston or by any officer, board or official of the county of Suffolk having power to incur obligations on behalf of said county in cases where said obligations are to be paid for wholly from the treasury of said city, shall, when the amount involved is at the threshold amount for purchases requiring competitive, sealed bids or proposals under M.G.L. c 30B, or when the contract comes within section 30 of chapter 486 of the acts of 1909, be in writing; and no such contract shall be deemed to have been made or executed until the approval of the mayor of said city has been affixed thereto in writing and the auditor of said city has certified thereon that an appropriation is available therefor or has cited thereon the statute under authority of which the contract is being executed without an appropriation.”

SECTION 2. Notwithstanding any general or special law to the contrary, Section 30 of chapter 486 of the acts of 1909 is hereby amended by striking the entire section, as most recently amended by section 2 of chapter 373 of the acts of 1992, and inserting in place thereof the following:-

“Every officer or board in charge of a department in said city and every officer, board or official of the county of Suffolk having power to incur obligations on behalf of said county in cases where said obligations are to be paid for wholly from the treasury of said city, when authorized to erect a new building or to make structural changes in and existing building, shall make contracts therefore, not exceeding five, each contract to be subject to the approval of the mayor; and when about to do any work or make any purchase, the estimated cost of which alone, or in conjunction with other similar work or purchase which might properly be included in that same contract, amounts to or exceeds the threshold amount for purchases requiring competitive, sealed bids or proposals as set forth in M.G.L. c. 30B, shall, unless the mayor gives written authority to do otherwise, invite solicitations therefore by advertisements in the City Record. Such advertisement shall state the time and place for opening the solicitations in answer to said advertisement, and shall reserve the right to the officer or board to reject any or all solicitations. No authority to dispense with advertising shall be given by the mayor unless the said officer or board furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting solicitations by advertisement.