



MCLA
PROCUREMENT POLICY & PROCEDURES
MANUAL

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1. PROCUREMENT MISSION STATEMENT

The mission of the Massachusetts College of Liberal Arts Procurement Office is to obtain quality goods and services at the greatest possible value while ensuring compliance with state laws and best procurement practices.

2. OBJECTIVE

This manual serves as a comprehensive guide for faculty and staff, describing the decision-making protocols of the MCLA Procurement Office. Additionally, these policies ensure that all college procurements comply with Massachusetts General Laws, State Finance Law, and MCLA Internal Controls. By defining roles and outlining procedures, our objective is to promote uniform specifications, fair and open solicitations, timely receipt of goods, and proper contract management.

3. AUTHORITY TO PURCHASE

At the start of each fiscal year, college departments receive budget allocations based on account codes. To assist departments in choosing the appropriate object code, the Administration & Finance (A&F) office provides an [MCLA object code handbook](#) which summarizes and clarifies the state Office of the Comptroller's [expenditure classification handbook](#). These allocations enable departments to submit a requisition for supplies, services, equipment, and construction-related services. However, these allocations do not grant direct authority to purchase from or contract with vendors or contractors.

The Purchasing Manager is designated by the college to maintain a centralized purchasing function. Therefore, departments may not make purchases without proper authorization. **Proper authorization shall be acknowledged as:**

- Compliant with the policies and procedures outlined in this manual
- Funds are available and budgeted to the appropriate account
- [Authorized signatures](#) and approvals have been obtained
- A purchase order number or contract number has been assigned to the requisition.

All departments must comply with the purchasing policies outlined in this manual. Transactions must 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

All College Departments must adhere to the MCLA Procurement Policy, State Finance Law, and the Commonwealth's Procurement Laws. These laws include M.G.L. c.7 s.22, M.G.L. c.73 s.14, M.G.L c.73 s.15, M.G.L c.7c. s.44-58, M.G.L. c.149, and M.G.L. c.30 s.39M. Our goal is to enhance efficiency and provide

optimal value to students, faculty, staff, and departments through legal and best practice procurements. The Procurement Office actively offers guidance, monitors compliance, implements policies, and identifies cost-savings opportunities.

5. SUPPLIES AND SERVICES PROCUREMENT POLICIES

The MCLA procurement policy for supplies and services will resemble *Massachusetts General Law, c. 30B*. This policy applies to the procurement of all supplies, services, disposition of surplus property, acquisition, or disposition of real property. Chapter 30B procurement includes purchase, lease, lease-purchase, or rental.

Massachusetts General Law 30B defines a **supply** as all property, other than real property, including equipment, computers, vehicles, materials, printing, office supplies, parts, and insurance and further including services incidental to the delivery, conveyance, and installation of such property.

Massachusetts General Law 30B defines a **service** as the furnishing of labor, time, or effort by a contractor, not involving the furnishing of a specific end product other than reports. This term shall not include employment agreements, collective bargaining agreements, or grant agreements.

For procurement policies specific to **design services, public building construction, or public works construction** please review sections 7 and 8.

A. Purchasing Consortia

The college belongs to the seven collective/collaborative purchasing consortium groups, listed below.

- **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 purchasing manager.

- **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**, or **public works construction** please review sections 7 and 8.

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

Procurement of supplies and services estimated to cost less than \$5,000 must be conducted using “sound business practices” which is defined as checking price lists, seeking quotes, or conducting market research to ensure that favorable pricing is received. Consideration of quality, experience,

and qualifications of a vendor providing the goods or services can also serve as a deciding factor.

- **Supplies and Services estimated to cost between \$5,000 - \$10,000.**

Procurement of supplies and services estimated to cost between \$5,000-\$10,000 **require** departments to obtain 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 a MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, or PACE collaborative/collective purchasing consortium contract.

- **Supplies and Services estimated to cost over \$10,000 to \$100,000.**

Procurement of supplies and services estimated to cost over \$10,000 up to \$100,000 **require** departments to obtain 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 a MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, or PACE 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 **require** departments to 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 a MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, or PACE collaborative/collective purchasing consortium contract

Utilize the IFB process for procuring goods and services when the primary deciding factor is the lowest bid price. This is suitable when the hiring department's objective is to select the most cost-effective offer. In contrast, the RFP approach is recommended when the decision extends beyond just price. It allows for a comprehensive evaluation of proposals based on overall merit, including quality, expertise, performance potential, prior to price consideration. 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 Purchasing Manager.

Procurement of supplies and services made under this section are also required to have a notice posted in a newspaper, COMMBUYS, 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 MCLA Purchasing Manager.

D. Single and Sole Source Procurements

A **single** source procurement occurs when alternate products and sources exist, but only one truly meets the needs of the requesting department. The term 'single' implies that there is just one adequate option among others. This method will be considered in specific 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 source becomes the sole available option. You may make a sole source procurement of any supply or service that is estimated to cost no more than \$50,000 when reasonable investigation shows that there is only one practicable source for the required supply or service. 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.

You must submit a written record of every single or sole source procurement request. This record should include the contractor's name, the amount and type of contract awarded, a detailed listing of the supplies or services procured, and the basis for your determination that there was only one practicable source for the purchase. To document this process, the department must complete the [MCLA Single/Sole Source Justification form](#). This form serves as a standardized way to record justifications for single or sole source purchases that exceed the MCLA Procurement competitive bid limit (\$5,000). Ensure that the completed form is attached along with any other supporting materials to the requisition. You do not have to complete the 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 a MHEC, OSD, Sourcewell, Nercomp, Omnia, E&I, or PACE collaborative/collective purchasing consortium contract.

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 make 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 Purchasing Manager 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 it 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 Purchasing Manager.

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 purchases from Walmart should be made. If you need to visit a Walmart store to make your purchase, please complete the [Purchase Requisition Form](#) accordingly to request a Walmart credit card. If you need to place an online order, please 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. Bookstore

Follett is the college's bookstore provider on campus. If you need to make a purchase at the bookstore, please complete the [Purchase Requisition Form](#) accordingly. The Procurement Office will process your request and supply the bookstore with a Purchase Order number, at which point you may visit the bookstore 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.

M. 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 the Administration & Finance office for Enterprise account information so you may make your rental reservation.

N. 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](#).

O. 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 the furniture acquisitions align with institutional needs and standards.
- **Standardization Objectives:**
 - a. **Comfort and Durability:** Standardized furniture must meet the rigorous demands of the institutional offices, providing comfort and durability for long-term use.
 - b. **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

P. 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](#).

Q. 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 were returned to the college.

R. 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.

S. 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 recommend 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.

T. 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.

U. 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 Chief Human Resource Officer 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 from the originating department.

A request for **supplies** is submitted by means of the [Purchase Requisition Form](#). Supporting documentation and/or quotes should be attached to the requisition 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](#). Supporting documentation such as competitive quotes, an approved employee status form, scope of work attachments, a vendor's W-9 form, or a single/sole source justification form should be attached to the form. 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 \$1,200 (\$100/month) 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 greater than \$1,200 (\$100/month) should be requested by the [MCLA Contract for Services](#).

A. Contract Management

The **contract administrator** is the staff or faculty members who initiated the service request and manages the contract's performance. Therefore, the administrator must have the necessary expertise to judge whether the contractor's performance is satisfactory. The administrator must be familiar with the contract requirements and considered the resident expert in 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 remedied, then the Purchasing Manager 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
- Public Works Construction Contracts
- Transportation Services
- Heavy Machinery Services
- Recreational Services (rock wall, inflatables, etc.)
- Snow or Tree Removal
- Maintenance/Repair Services
- Professional Services (Consultants, IT, etc.)
- Food Services (Catering/Food Trucks)
- 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 MCLA property officer is responsible for the centralized accounting and timely reporting of college assets while departments are responsible for the proper use and protection of the assets in their custody. MCLA utilizes the WASP Asset Cloud Inventory Management System to record and maintain assets details and accurately record:

- Acquisition of assets costing \$1,000 or more.
- The assigned RFID bar-coded inventory tag number assigned to the asset.
- The asset location, type, category, department, purchase date, manufacturer, and PO #.
- Change in asset status (e.g., transfer to another department, change in room location, disposal).

D. Surplus Property

All state agency-owned personal property, (e.g., furniture, office machines, vehicles) except land and buildings, acquired with **appropriated funds** and is no longer needed is subject to transfer or disposal in accordance with the Commonwealth's Surplus Property Officer ([802 CMR 3.00](#)).

The MCLA Purchasing Manager will apply best practices for disposition or disposal of surplus property purchased with college **trust funds** valued at less than \$10,000. For items with a resale or salvage value greater than \$10,000, either a sealed bid or public auction process will be used. The Purchasing Manager may partner with auction professionals, use online resources, or any other such resource to secure the best return possible.

Any department seeking to relocate or dispose of worthless/broken property must complete the [Inventory Control Property Location Change Form](#). The property may not be moved or disposed of until written approval has been given by the Purchasing Manager/Property Officer.

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

The Designer Selection Board (DSB) acts as the central administrative authority for the selection of firms to provide “design services” for State building projects throughout the Commonwealth of Massachusetts. Construction projects funded via the Division of Capital Asset Management and Maintenance typically require the expertise of professional consultants for planning. When state agencies procure design services for public building construction projects, they must adhere to the Designer Selection Law (M.G.L. c. 7C § 44 to 58), which mandates a competitive qualifications-based selection (QBS) process for choosing designers.

Contracts related to building projects fall under Designer Selection Law when services are provided by designers, architects, engineers, interior designers, or construction managers. These services include:

- Preparation of master plans, feasibility studies, surveys, soil test and cost estimates, drawings, specifications and schematics
- Supervision or administration of a construction contract
- Construction management and scheduling

Massachusetts College of Liberal Arts falls under this jurisdiction of the Designer Selection Board (DSB) and must follow the DSB guidelines when procuring design services if the design fee is \$30,000 or more and the estimated construction cost (ECC) of the project is \$300,000 or more (M.G.L. c. 7C, § 46(e)). The Designer Selection Board is an autonomous eleven-member board that, pursuant to M.G.L. Ch.7C Section 46, reviews and selects designers, interior designers, programmers, and construction managers to perform design services in connection with building project for state agencies across the Commonwealth and charter school projects. The Executive Director administers the mission, policies and practices of the Board and selection process.

The DSB conducts a formal QBS selection process on behalf of the college for design services, following the procedures outlined in the Designer Selection Law. Design Firms can apply for these contracts by completing the DSB Application Form. The DSB ranks the applicants (with input from the college) based on their qualifications and submits 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 designer is not chosen, the Commissioner must provide a written explanation. If the design fee is less than \$30,000 or the estimated construction cost is less than \$300,000, the college may procure its own design services.

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 for design services for a public building project estimated to cost \$1.5 million or more, the college must hire or assign a qualified Owner's Project Manager (OPM). The OPM must be independent of the project designer, general contractor, or any subcontractor and must have significant experience in building construction and supervision. OPM services must be procured using a qualification-based selection (QBS) process. The duties include advising on design, value engineering, cost estimating, contractor selecting, scheduling, and project evaluation.

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

All procurements that involve the alteration or construction of a building "vertical construction" or site-work for non-building public works projects "horizontal construction" are subject to Massachusetts Public Construction and Public Works Laws M.G.L. c. 149 § 44A to 44M and M.G.L. c. 30 s. 39M respectively, including the provisions for filed sub-bids within certain monetary thresholds. These laws require public awarding authorities to follow strict requirements to procure labor and materials for projects covered by either law. In all cases, the Procurement Office will follow all the requirements of the applicable law specific to each project. The [Public Construction Bidding 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 so related, is subject to M.G.L. c. 30, § 39M.

C. Prevailing Wages: MGL c. 149, §27

Labor and materials contracts for construction, reconstruction, installation, demolition, maintenance, or repair of a public works or building are subject to the requirements of MGL c. 149 s. 27. Physical alterations and renovations to college buildings that involve the **utilization of trade labor**, not only must deal with unique statutory requirements, but also are subject to the payment of prevailing wages. These are special minimum wages established by the Department of Labor Standards (DLS). The DLS sets prevailing wage rates according to collective bargaining agreements established by trade unions in geographical areas across the state. Before soliciting bids for any public construction project an awarding authority must obtain a prevailing wage rate sheet from the DLS. Each prevailing wage rate sheet applies only to the public construction project for which it is issued. The prevailing wage rates for each construction project are in

effect for 90 days from the date of issue. Projects not bid on within 90 days of the issued rates will require the awarding authority to request a new prevailing wage rate sheet. Once a project has been bid on, the prevailing wage rates will apply for the duration of any contracts which result from that bid, except in the case of multi-year projects. Examples of projects that are subject to these requirements include but are not limited to:

- Installation of carpet and flooring
- Changes to electrical wiring
- Painting
- Carpentry work
- Changes to plumbing
- HVAC

The College is required to comply with the Massachusetts Prevailing Wage Law for all public works and public building construction projects **regardless of cost or funding source** of the contract. Prevailing Wages must be paid to all persons employed on the project, whether they are employed by the contractor or subcontractor. The rates issued for a particular project must be paid for that entire project. For multi-year contracts, the Purchasing Manager will apply for new wage rates as required annually. The Administration & Finance office will be responsible for collecting and reviewing Certified Payroll Report and Statement of Compliance. At any project's end, these reports shall be provided to the Procurement Office for record retention.

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 estimated to cost less than \$10,000 must be conducted using “sound business practices” which is defined as checking pricing, seeking quotes, or conducting market research to ensure favorable pricing is received. Sound reasoning may also consist of consideration of quality, experience, or qualifications of a contractor. Soliciting quotes is encouraged even when the potential purchase is less than \$10,000.

*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD.

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, you must prepare a solicitation that includes a detailed scope-of-work statement. This statement should define the work to be performed and provide potential responders with sufficient information regarding your objectives, requirements, and project timeline. Additionally, the scope-of-work statement should outline experience requirements and request references when appropriate.

You are required to solicit at least three (3) written responses from potential contractors. Requests for Responses (RFRs) must be in written form and clearly communicated to each potential vendor. Documentation of all solicited responses must be included in the requisition process. Solicitations must be advertised on the MCLA website, COMMBUYS, and in the Central Register. OSHA training and Prevailing Wages are also required.

Steps to Follow:

1. Review the [Guide to Drafting an Effective Scope of Work Statement](#).
2. Complete the applicable [MCLA Request for Response \(RFR\) Construction Solicitation](#)

[Template.](#)

3. Email the RFR to the MCLA Purchasing Manager for review and posting on the MCLA procurement website, Commbuys, and Central Register.
4. Upon reviewing responses, the Purchasing Manager will award the contract to the lowest bidder and proceed with the necessary paperwork.

*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD.

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

Procurement of public building contracts estimated to cost over \$50,000 up to \$150,000 requires a sealed bid process.

Procurements made under this section must have a notice posted in a newspaper, the MCLA website, COMMBUYS, and the Central Register.

In addition, a payment bond of fifty percent (50%) of the total contract price is required. OSHA training and Prevailing Wages are also required.

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

In addition to the requirements above, a solicitation where the estimated cost is over \$150,000 must also include a requirement of DCAMM certification for the general contractor and any sub-contractors. A payment bond of one hundred percent (100%), a performance bond of one hundred percent (100%), and a DCAMM evaluation for all contractors is also required.

Filed sub-bids are required for any trade within the construction contract where the estimated cost will be \$25,000 or more.

For building contracts costing over \$150,000 there is also a 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.

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.**

Procurement of public works construction estimated to cost less than \$10,000 must be conducted using “sound business practices” which is defined as checking price lists, seeking quotes, or conducting market research to ensure competitive pricing is received. Sound reasoning may also consist of consideration of quality, experience, or qualifications of a contractor. Soliciting quotes is encouraged even when the potential purchase is less than \$10,000.

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, you must prepare a solicitation that includes a detailed scope-of-work statement. This statement should define the work to be performed and provide potential responders with sufficient information regarding your objectives, requirements, and project timeline. Additionally, the scope-of-work statement should outline experience requirements and request references when appropriate.

You are required to solicit at least three (3) written responses from potential contractors. Requests for Responses (RFRs) must be in written form and clearly communicated to each potential vendor. Documentation of all solicited responses must be included in the requisition process. Solicitations must be advertised on the MCLA website, COMMBUYS, and in the Central Register. OSHA training and Prevailing Wages are also required.

Steps to Follow:

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

Procurements made under this section must have a notice posted on the MCLA website, COMMBUYS, and in the Central Register.

OSHA training and Prevailing Wages are also required.

*As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD.

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

Procurement of public building contracts estimated to cost more than \$50,000 requires a sealed bid process. For additional information and guidance on how to conduct this process, please contact the MCLA Purchasing Manager.

Procurements made under this section must have a notice posted in a newspaper, the MCLA website, COMMBUYS, and the Central Register

In addition, a payment bond of fifty percent (50%) of the total contract price is required.

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

In addition to the requirements above, a solicitation where the estimated cost is \$10 million or more must also include a pre-qualification procedure for both general contractors and sub-bidders. This process is required before the actual bidding process can take place; the bidding process is then restricted to only those who have been approved in the pre-qualification process.

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.