HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**James H. Fagan**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act making certain changes in the procurement laws.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| James H. Fagan | 3rd Bristol |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3187 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act making certain changes in the procurement laws.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1.  Section 22 of Chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following subsections:—
(21) A procurement officer may procure, without competition, equipment that serves a specialized need or specialized function; provided, however, that the procurement officer shall provide to the office of the inspector general a detailed statement of the reasons for the sole source procurement, including, but not limited to safety, specialized purpose, or function. Sole source procurements shall be clearly identified as such. No procurement officer shall award a contract based on specifications that limit competition by relying upon language based on a single manufacturer’s specifications or promotional materials. No procurement officer shall use any specifications that utilize proprietary information unless such specifications are used for a sole source procurement.
(22) A procurement officer may not utilize a sole source procurement by means of bidding out financing for an identified product or contractor, or for specifications that are limited to one product or one provider.

SECTION 2. Section 22B of said chapter 7, as so appearing, is hereby amended by adding at the end thereof the following paragraph:—
The commissioner shall notify all cities and towns in the commonwealth when procurements are made on a statewide basis. The procurement officer shall consider the needs of cities and towns in making a procurement statewide and shall send to each city and town a statement of the reasons why he considers the procurement to be advantageous to the cities and towns. The procurement officer shall consider options on items and equipment to provide municipalities flexibility in utilizing procurements under this section.

SECTION 3. Section 7 of chapter 30B of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following subsections:—
(d) A procurement officer may procure, without competition, equipment that serves a specialized need or specialized function; provided, however, that the procurement officer shall provide to the office of the inspector general a detailed statement of the reasons for the sole source procurement including, but not limited to safety, specialized purpose, or function. Sole source procurements shall be clearly identified as such. No procurement officer shall award a contract based on specifications that limit competition by relying upon language based on a single manufacturer’s specifications or promotional materials. No procurement officer shall use any specifications that utilize proprietary information unless such specifications are used for a sole source procurement.
(e) A procurement officer may not utilize a sole source procurement by means of bidding out financing for an identified product or contractor, or for specifications that are limited to one product or one provider.