

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 relative to Chapter 30B.

PETITION OF:

NAME:

Thomas A. Golden, Jr.

DISTRICT/ADDRESS:

16th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3201 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CHAPTER 30B.

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

1 SECTION 1.

2 Chapter 30B of the General Laws, as appearing in the 2002 Official Edition, is hereby amended
3 by striking section 5, subsection (g), and inserting in place therein, the following new
4 subsection:-

5 (g) The procurement officer shall award the contract to the lowest responsible and responsive
6 bidder; provided, however, that a bidder whose principal place of business is located within
7 Massachusetts shall be considered the lowest bidder if its bid is within five percent of the lowest
8 responsible and responsive of a bidder whose principal place of business or a place of
9 business/location is not within the Commonwealth. A contract requiring payment to the
10 governmental body of a net monetary amount shall be awarded to the highest responsible and
11 responsive bidder; provided further, provided, however, that a bidder whose principal place of

12 business or a place of business/location is located within Massachusetts shall be considered the
13 highest bidder if its bid is within five percent of the highest responsible and responsive of a
14 bidder whose principal place of business, is not located or does not employ Massachusetts
15 residents is not within the Commonwealth. The procurement officer shall award the contract by
16 written notice to the selected bidder within the time for acceptance specified in the invitation for
17 bids. The time for acceptance may be extended for up to 45 days by mutual agreement between
18 the governmental body and the apparent lowest responsible and responsive bidder or, for a
19 contract requiring payment to the governmental body, by mutual agreement between the
20 governmental body and the highest apparent responsible and responsive bidder.

21 SECTION 2. Chapter 30B of the General Laws, as appearing in the 2002 Official Edition, is
22 hereby amended by striking section 6, subsection (g), and inserting in place therein, the
23 following new section:-

24 (g) The chief procurement officer shall determine the most advantageous proposal from a
25 responsible and responsive offeror taking into consideration price and the evaluation criteria set
26 forth in the request for proposals; provided that a bidder whose principal place of business (or
27 presence) is located within Massachusetts shall be considered to have submitted the most
28 advantageous proposal if its bid is within five percent of the price submitted by a responsible and
29 responsive offerer whose principal place of business or a place of business/location is not within
30 the Commonwealth. A contract requiring payment to the governmental body of a net monetary
31 amount shall be awarded to the highest responsible and responsive bidder; provided further,
32 provided, however, that a bidder whose principal place of business or a place of
33 business/location is located within Massachusetts shall be considered the highest bidder if its bid

34 is within five percent of the highest responsible and responsive of a bidder whose principal place
35 of business is not located or does not employ Massachusetts residents is not within the
36 Commonwealth. The chief procurement officer shall award the contract by written notice to the
37 selected offeror within the time for acceptance specified in the request for proposals. The parties
38 may extend the time for acceptance by mutual agreement. The chief procurement officer may
39 condition an award on successful negotiation of the revisions specified in the evaluation, and
40 shall explain in writing the reasons for omitting any such revision from a plan incorporated by
41 reference in the contract.

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