



## The Commonwealth of Massachusetts

Office of the Secretary of State  
State House, Boston, MA 02133 (617) 727-2800

Michael Joseph Connolly, Secretary

MEMO TO: City Councils, Boards of Selectmen, City and Town Clerks, Municipal Purchasing Agents or Chief Administrative Officers, State Agencies and Executive Offices

FROM: Michael Joseph Connolly, Secretary of State *MJC*

RE: PUBLICATION OF PUBLIC CONTRACT INFORMATION

DATE: March 29, 1982

Beginning March 31, 1982 and weekly thereafter the Secretary's Office will resume publication of the Central Register.

### Background:

Legislation enacted at the end of the 1981 Session (Chapter 808 of 1981) has again established the requirement that certain information related to public contracts be published by my Office in a state document called the Central Register. Publication in the Central Register is a significant requirement since it is a "condition precedent to the validity" of contracts, and in some cases could possibly result in fine or imprisonment if violated. My Office first notified you of this new requirement in a memo dated June 19, 1981 which noted the Central Register as one of many changes in public bidding and contracting that came as a result of Chapter 579 of 1980. On July 23, 1981 I notified you that legislation (Chapter 351 of 1981) prohibited my Office from publishing the Register, Chapter 808 of 1981 countermands that prohibition and publication of Register is again in effect.

### Regulations and Forms for the Central Register:

Enclosed is the regulation (950 CMR 21.00) adopted by my Office that will govern the filing and publication of contract information. Since not all public contracts are required to be published, the definitions under "capital facility" and "design services" are important. In addition to Central Register publication requirements being limited to those definitions, contracts adopted under M. G. L. Chapter 40 are not required to be published with my Office.

Also enclosed are the forms that we will need to require to insure that the Register is a readable and consistent document. Because publication will be under severe time, budget and staff constraints, my Office will need to strictly enforce the regulatory provision for "printable quality" of these forms.

### "Awarding Authorities":

The statute designates "awarding authority" as the office responsible for the new bidding and contracting requirements, a term used for a variety of offices. I will make every effort to use professional journals and state/local communications to reach other offices but need also to rely on the offices to whom this memo is addressed to see that specific local authorities are notified of these new contract requirements.

**CENTRAL REGISTER PUBLICATION**

**ALL "AWARDING AUTHORITIES" MUST FILE:**

**FOR:**

Contracts related to "capital facility" construction, reconstruction maintenance, repair, demolition, renovation; related furnishing or supplies. Contracts services of designer, programmer or construction manager.

**PUBLICATION TIMING**

#1 \*  
Invitation to Bid Design Services

2 weeks before deadline

#2 \*\*  
General Contracts

1-2 weeks before application deadline

#3  
Contractors Obtaining Plans

weekly after invitation to bid

#4  
Prequalified Contractors

2 weeks after application deadline, 2 weeks prior to bid opening

#5 \*\*\*  
Contract Award

30 days after bid opening

**"PERIODIC" PUBLICATION**

**STATE ONLY MUST FILE:**

#6  
Certified Minority Contractors

#7  
Debarred Contractors

**WEEKLY PUBLICATION**

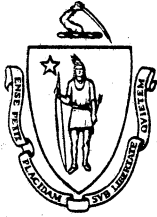
**STATE OFFICE OF FACILITIES MANAGEMENT**

#8  
Rent, Sale, Lease, Acquisition - Proposal and Contract

\* Includes: 1. Awarding Authority, 2. Project Description and Identifying Number, 3. Estimated Cost, 4. Special Requirements, 5. Categories of Designers, Consultants, 6. Fees: (a) set and amount or (b) negotiated.

\*\* Includes: 1. through 4. as above and 5. Plans/Specifications (time and place), 6. Bid Opening Date, 7. Application/Qualification Statement Deadline, 8. Sub-Trade Categories, 9. Filed Sub-Bid Opening Date

\*\*\* Includes: 1. and 2. as above and 3. Name of Contractor, 4. Contract Amount



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Michael Joseph Connolly, Secretary

## DISTRIBUTION OF THE CENTRAL REGISTER

A free copy of the weekly Central Register will be distributed to all local public libraries by the Secretary's Office, it will not be possible to distribute any other subscriptions free of charge.

Subscriptions will cost \$180 per year. Please complete the form below if you wish to subscribe to the Central Register.

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Mail to:

Michael Joseph Connolly, Secretary of State  
State Bookstore, Room 116  
State House  
Boston, Ma 02133

### CENTRAL REGISTER SUBSCRIPTION

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name

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address (including zipcode)

Yearly subscription to the weekly Central Register is \$180 per subscription year mailed third class bulk rate. Checks must be made payable to COMMONWEALTH OF MASSACHUSETTS.

950 CMR 21.00: PREPARING AND FILING CAPITAL FACILITY CONTRACT DATA FOR THE CENTRAL REGISTER

Section

- 21.01 Scope and Purpose
- 21.02 Definitions
- 21.03 Contracts Required to be Published
- 21.04 Contracts Not Required to be Published
- 21.05 Filing Contract Data

21.01: Scope and Purpose

(1) The regulations set forth in 950 CMR 21.00 establish standards for preparing, filing and publishing capital facility contract data by state and county agencies and all political subdivisions. They are intended to promote uniformity, clarity and coherence in form and economy, accessibility and timeliness in printing and distributing these data.

(2) The purpose is to make public capital facility contract data widely available to the public at reasonable cost in a form that is current and understandable.

(3) 950 CMR 21.00 establishes the organization and format of the Central Register and the requirements that must be met by every state and county agency and all political subdivisions filing with the Secretary.

21.02: Definitions

As used in 950 CMR 21.00 and unless otherwise construed by statute, these terms shall have the following meanings:

"Agency" or "public agency" means every department, board, commission, division or authority of the state and county government or subdivision of any of the foregoing or political subdivision of the state or two or more subdivisions thereof (but not including the Massachusetts Bay Transportation Authority).

"Capital facility" means:

- (1) a public improvement such as a building or other structure;
- (2) a utility, fire protection and other major system and facility;
- (3) a power plant facility and appurtenances;
- (4) a heating, ventilating, air conditioning or other system;
- (5) initial equipment and furnishings for a new building or building added to or remodeled for some other use;
- (6) a public parking facility;
- (7) a solid waste disposal or recovery facility;
- (8) a recreational improvement such as a facility or development in a park or other recreational facility;
- (9) a water resource improvement by the Metropolitan District Commission such as a waste water treatment and related pollution control facility
- (10) an airport or port facility
- (11) or any other facility which may be included by statute or other standards as they may be prescribed from time to time by the Deputy Commissioner of Capital Planning and Operations provided, however, that a highway improvement such as a highway, bridge or tunnel, a transportation improvement or other public transit facility shall not be considered a capital facility as defined herein; and provided further that any municipal facility that is contracted under the provisions of M.G.L. c. 40 s.4 shall not be considered a "capital facility" for the purposes of 950 CMR 21.00.

21.02: continued

"Central Register" means the publication by the Secretary which lists all notices of contracting opportunities estimated to be in excess of \$25,000 or the minimum contract amount established by specific statute offered by any public agency or authority of the state or any political subdivision thereof. Notices published in the Central Register shall include, but not be limited to:

- (a) invitations to bid relating to the procurement of supplies, design, construction and other services; and rentals of equipment incidental to the design, and/or construction, reconstruction, renovation, repair, demolition or furnishing of any capital facility;
- (b) sub-trade categories opportunities incident to such design and/or construction, reconstruction, renovation, repair, demolition or furnishing;
- (c) notices of proposed sales, rentals, dispositions or acquisitions of real property for the use of state agencies;
- (d) the individual or firms selected for negotiation or award of any contract or as party to any other transaction, including leases, sales and other agreements and the contract amount;
- (e) the names of eligible contractors,
- (f) a periodic list of certified minority and women-owned contracting and subcontracting businesses.
- (g) a periodic list of contractors to whom public contracts will not be awarded.
- (h) a weekly list of contractors who have requested project plans and specifications related to a capital facility project.

"Design services" means any of the following services provided by any designer, programmer or construction manager in connection with any public building project:

- (a) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- (b) preparation of drawings, plans or specifications, including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contract documents;
- (c) supervision or administration of a construction contract;
- (d) construction management or scheduling.

"Sub-bid categories" means the following classes of work required to be separate sections of a capital facility project:

- (a) roofing and flashing
- (b) metal windows
- (c) waterproofing, damp proofing and caulking
- (d) miscellaneous and ornamental iron
- (e) lathing and plastering
- (f) acoustical tile
- (g) marble
- (h) tile
- (i) terrazzo
- (j) resilient floors
- (k) glass and glazing
- (l) painting
- (m) plumbing
- (n) heating, ventilating and air conditioning
- (o) electrical work
- (p) elevators
- (q) masonry work
- (r) any other class of work for which the agency deems it necessary or convenient to receive sub-bids.

21.03: Contracts Required to be Published

- (1) Rental Sale, Disposition or Acquisition of Property by State Agencies

21.03: continued

Information related to the sale, rental, acquisition or disposition by any state agency shall be prepared in compatible word processing media arranged in alphabetical sequence by location and shall be submitted to the State Secretary as provided in 950 CMR 21.04.

(2) General Construction Contracts

Information related to the design or construction of a capital facility project as defined in 950 CMR 21.02 "Capital facility" shall be prepared in duplicate by the responsible public agency on forms provided by the State Secretary and shall state the following:

- (a) a brief description of the subject matter of the proposed transaction, including the appropriation or other identifying number.
- (b) the appropriation amount or estimated cost to complete.
- (c) a brief description of special qualifications or requirements if any.
- (d) the time and place to obtain plans and specifications.
- (e) the time and place to submit bids, applications and pre-qualification statement but not instructions as to the amount, manner or form of bid deposits.

(3) List of Eligible Contractors

Every public agency shall submit to the State Secretary 2 copies of a list of contractors determined to be eligible under the provisions of M. G. L. C. 49, S. 44A. Said list shall be printable quality using black print on white paper, single spaced and alphabetically listed by company name. It shall be the responsibility of the agency to insure that this list is filed under the provisions of 950 CMR 21.05 for publication two weeks prior to the scheduled bid opening.

(4) List of Debarred Contractors

The Division of Capital Planning and Operations shall submit to the State Secretary 2 copies of a list of debarred contractors as provided in M. G. L. C. 49, S. 44C. Said list shall be printable quality using black ink on white paper, single spaced and alphabetically listed by company name. The reason for debarment and length of time thereof shall be stated simply and directly. Thereafter the Division shall file additions and deletions to the list of debarred contractors.

(5) List of Persons who have obtained Plans and Specifications

Every public agency shall submit to the State Secretary, on forms provided by the State Secretary, 2 copies of a weekly list of those persons who have obtained plans and/or specifications.

(6) Contract Awards

Every public agency shall submit to the State Secretary 2 copies of a notice stating the individual or firm selected for negotiation or award of any contract. Said notice shall contain only the subject matter of the design services, general construction, or sub-bid category contract or other contracts, the name of the contractor(s) and the dollar amount of the contract.

21.04 Contracts Not Required to be Published

- (1) Unless a statute provides otherwise, contracts with an estimated cost to complete of less than \$25,000 will not be published in the Central Register.
- (2) Contracts adopted under M.G.L. c. 40, s. 4 will not be published in the Central Register.

21.05 Filing Contract Data

(1) When to File

The Central Register will be published on Wednesday of every week or Thursday of those weeks when a holiday occurs. Information required to be published in the Central Register shall be received by the State Secretary by Wednesday of the week preceding publication. It shall be the responsibility of each public agency to assure timely filing so that provisions of law pertaining to public notice are met.

(2) Where to File

The State Secretary will accept all documents for publication in the Central Register at the Massachusetts Regulations Division, Room 74C, State House, Boston, Ma. 02133.

(3) What to File

(a) Unless otherwise provided, all information required to be published in the Central Register shall be submitted in duplicate on forms provided by the State Secretary. Newspaper copies, photocopies or handwritten copies will not be published. Information received that is not of reasonable printable quality or is not on the proper form will be returned to the agency.

(b) Unnecessarily lengthy or redundant descriptions will not be published.

(c) Provisions relating to the nature, form and amount of bid deposits will not be published.

REGULATORY AUTHORITY

950 CMR 21.00: M.G.L. C. 9, s. 20



## **The Commonwealth of Massachusetts**

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State House, Boston, MA 02133 (617) 727-2800

Michael Joseph Connolly, Secretary

Only two copies of the forms required for publication in the Central Register are included in this mailing to all cities and towns. In expediting this mailing to assure uniform publication of a Central Register it was not possible to take into consideration the widely disparate needs of various municipalities.

We would appreciate it if you could arrange to get good photocopies of the forms made in a quantity sufficient to meet your specific future use.

## CENTRAL REGISTER INVITATION TO BID DESIGN SERVICES

1. Awarding Authority:
2. Project Description and Identification Number:
3. Fee: Amount (if set) Negotiable
4. Special Requirements:
5. Plans/Specifications:
6. Project Completion Date:
7. Briefing Session:
8. Categories of Consultants:

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5. Plans/Specifications:
6. Project Completion Date:
7. Briefing Session:
8. Categories of Consultants:

## CENTRAL REGISTER INVITATION TO BID GENERAL CONTRACTS

1. Awarding Authority:
2. Project Description and Identification Number:
3. Estimated Cost:
4. Special Requirements:
5. Plans/Specifications: *time and place*
6. General Bids Opened:
7. Applications and Qualifications Statements Deadline:
8. Sub-Trade Categories:
9. Filed Sub-Bids Opened: *time and place*

## CENTRAL REGISTER INVITATION TO BID GENERAL CONTRACTS

1. Awarding Authority:
2. Project Description and Identification Number:
3. Estimated Cost:
4. Special Requirements:
5. Plans/Specifications: *time and place*
6. General Bids Opened:
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1. Awarding Authority:
2. Project Description and Identification Number:
3. Estimated Cost:
4. Special Requirements:
5. Plans/Specifications: *time and place*
6. General Bids Opened:
7. Applications and Qualifications Statements Deadline:
8. Sub-Trade Categories:
9. Filed Sub-Bids Opened: *time and place*

**CENTRAL REGISTER - CONTRACT AWARD**

**1. Awarding Authority:**

**2. Project Description:**

**Sub Bid Category (if applicable)**

**3. Contract Awarded To:**

**4. Contract Amount:**

**CENTRAL REGISTER - CONTRACT AWARD**

**1. Awarding Authority:**

**2. Project Description:**

**Sub Bid Category (if applicable)**

**3. Contract Awarded To:**

**4. Contract Amount:**

**CENTRAL REGISTER - CONTRACT AWARD**

**1. Awarding Authority:**

**2. Project Description:**

**Sub Bid Category (if applicable)**

**3. Contract Awarded To:**

**4. Contract Amount:**

**NOTE** *Two copies (an original plus a carbon or photo copy) shall be sent to the State Secretary at the Massachusetts Regulations Division Room 74C, State House, Boston, MA 02133.*

**CENTRAL REGISTER - CONTRACT AWARD**

1. Awarding Authority:

2. Project Description:

Sub Bid Category (if applicable)

3. Contract Awarded To:

4. Contract Amount:

**CENTRAL REGISTER - CONTRACT AWARD**

1. Awarding Authority:

2. Project Description:

Sub Bid Category (if applicable)

3. Contract Awarded To:

4. Contract Amount:

**CENTRAL REGISTER - CONTRACT AWARD**

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2. Project Description:

Sub Bid Category (if applicable)

3. Contract Awarded To:

4. Contract Amount:

**NOTE** *Two copies (an original plus a carbon or photo copy) shall be sent to the State Secretary at the Massachusetts Regulations Division Room 74C, State House, Boston, MA 02133.*

## CENTRAL REGISTER ELIGIBLE CONTRACTORS

1. Awarding Authority:

2. Project Name and Number:

**NOTE:** *This list must be typewritten and filed in duplicate with the State Secretary at the Massachusetts Regulations Division, Room 74C, State House, Boston, MA 02133. The awarding authority is responsible for assuring that this list is filed 2 weeks after the final date for submission of applications to bid and 2 weeks before the bid opening date.*

## CENTRAL REGISTER ELIGIBLE CONTRACTORS

1. Awarding Authority:

2. Project Name and Number:

**NOTE:** *This list must be typewritten and filed in duplicate with the State Secretary at the Massachusetts Regulations Division, Room 74C, State House, Boston, MA 02133. The awarding authority is responsible for assuring that this list is filed 2 weeks after the final date for submission of applications to bid and 2 weeks before the bid opening date.*

# CENTRAL REGISTER CONTRACTORS OBTAINING PLANS/SPECIFICATIONS

1. Awarding Authority:
2. Project Name and Number:
3. For the Week Ending:

**NOTE:** *This list must be typewritten and filed in duplicate with the State Secretary at the Massachusetts Regulations Division, Room 74C, State House, Boston, MA 02133 each week while bids are open.*

## CENTRAL REGISTER CONTRACTORS OBTAINING PLANS/SPECIFICATIONS

1. Awarding Authority:
2. Project Name and Number:
3. For the Week Ending:

**NOTE:** *This list must be typewritten and filed in duplicate with the State Secretary at the Massachusetts Regulations Division, Room 74C, State House, Boston, MA 02133 each week while bids are open.*

7.

S-341

Comm. from Paul E. Healy, City Clerk, transmitting comm. from Michael Joseph Connolly, Sec. of State Re: resumption by the Secretary of State's Office of the publication of the Central Register.

Copy sent to the City Manager  
4/4/82 mh

In City Council,

April 5, 1982

4/5/1982.

Placed on File -

Copy to City  
Manager  
1982