

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 498-9027

PURCHASING DEPARTMENT

Barbara L. Duffy
Purchasing Agent

May 7, 1992

TO: ALL DEPARTMENTS

FROM: BARBARA L. DUFFY
PURCHASING AGENT

B.L.D.

The following instructions must be followed on any bid requesting insurance coverage.

Per Commonwealth of Massachusetts Division of Insurance there has been a change in general liability: Coverage is no longer available per person. General liability is only available in aggregate per occurrence.

These changes must be reflected in any specifications with insurance requirements. It is essential that this information is given to any engineer or architect working on projects for the City of Cambridge.

RECEIVED BY
OFFICE OF CITY CLERK
1992 MAY -8 PM 2:08
CAMBRIDGE MA.



CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall

795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Tel. (617) 349-4121
Fax. (617) 349-4307

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel


Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Laura H. Yager
Legal Counsel

MEMORANDUM

TO: ALL DEPARTMENT HEADS

FROM: DIANE WYNSHAW-BORIS, Legal Counsel 

RE: CHANGES TO THE UNIFORM PROCUREMENT ACT (CHAPTER 30B)

DATE: August 22, 1991

=====

I have attached a copy of changes to Chapter 30B which will please most, if not all, of you. The amendments went into effect on July 10, 1991. If you have any questions with respect to the newly added exclusions, please call me or Barbara Duffy.

Encl.: as stated

**Changes to the Uniform Procurement Act
- as adopted in the FY92 budget-
Chapter 138 of the Acts of 1991
§§ 110, 111, & 112**

The language included in C138 of the Acts of 1991 lays the groundwork for the exemption of a number of items under the Uniform Procurement Law outlined below.

Of particular importance to those in the business of buying and selling insurance and insurance services, language was included in the budget that exempts insurance from the Chapter 30B, the Uniform Procurement Act. This language protects MIA's exempt status and at the same time exempts all other insurers from the bidding law. This was perceived by the insurance industry as an important step towards "making the playing field level".

The MMA was unsuccessful at that particular juncture in adding the language that exempts health benefit plan administrators and risk management consultants. We will continue our discussions with legislators urging them to pursue this and other language changes in September when the Legislature reconvenes.

With the departure of Inspector General Joseph Baressi and the appointment of long time Quincy State Representative Robert Cerasoli to the position, it is our hope to develop a positive working relationship with both the Inspector General and his staff.

Listed below is the actual text taken from C138 of the Acts of 1991 for reference purposes.

Section 110. Section 1 of Chapter 30B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (12) of subsection (b) and inserting in place thereof the following clause: -

(12) a contract for the procurement of insurance or surety bonds, including an agreement subject to the provisions of sections one to sixteen, inclusive, of chapter forty M or the provisions of sections twenty-five E to twenty-five U, inclusive, of chapter one hundred and fifty-two.

Section 111. Said section 1 of said Chapter 30B, as so added, is hereby further amended in clause (13) of subsection (b), by striking out the words, "labor relations representatives, lawyers, designers, or certified public accountants".

Section 112. Said section 1 of said Chapter 30B, as so added, is hereby further amended by adding, after clause (14) of subsection (b), the following clauses: -

- (15) contracts with labor relations representatives, lawyers, designers, or certified public accountants;
- (16) contracts with physicians, dentists, and other health care individuals or persons including nurses, nurses' assistants, medical and laboratory technicians, health care providers including diagnosticians, social workers, psychiatric workers, and veterinarians;
- (17) a contract for snow plowing by a governmental body;
- (18) a contract or lease by a governmental body of its boat slips, berths, or moorings;
- (19) a contract for retirement board services;
- (20) a contract which is funded by proceeds delivered from a gift to a governmental body or trust for the benefit of a governmental body;
- (21) a contract for the towing and storage for motor vehicles;
- (22) a contract to provide job-related training, educational or career development services to the employees of a governmental body;
- (23) a contract pursuant to which a governmental body obtains services from a bank, as defined in section one of chapter one hundred and sixty-seven, subject to the maintenance of a compensating balance;
- (24) a contract for ambulance service by a governmental body;
- (25) a contract to sell or lease industrial or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of said real property in accordance with a plan approved by the appropriate authorizing authority;
- (26) a contract for the collection of delinquent taxes or for the services of a deputy tax collector.

Many members have inquired about the legality of existing contracts since the recent enactment of the C30B legislation in the FY92 budget. According to Attorney John Giorgio, a principal in the

firm of Kopelman & Paige, existing contracts are legal, and municipalities may choose to not to go out to bid only after the existing contracts expire. This legislation also allows for contracts to be terminated, if agreement with both parties is reached. It is, however, prudent to consult your city solicitor or town counsel before taking any of the above action.

- Prepared by MMA Legislative Analyst Julie A. Deschenes, with the legal and technical assistance of Attorney John Giorgio, Principal, Kopelman & Paige.



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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

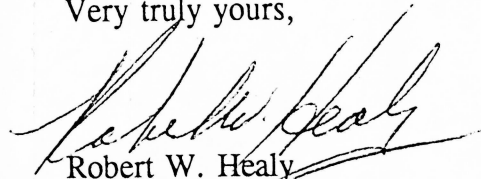
RICHARD C. ROSSI
Deputy City Manager

November 25, 1991

To The Honorable, The City Council:

Please find attached a communication received from Russell B. Higley, City Solicitor, relative to an amendment to the Cambridge Municipal Code Chapter 2.34.150, for your consideration.

Very truly yours,


Robert W. Healy
City Manager

RWH/mev
attachment



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Laura H. Yager
Legal Counsel

November 21, 1991

Robert W. Healy, City Manager
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Amendment to Cambridge Municipal Code Chapter 2.34.150

Dear Mr. Healy,

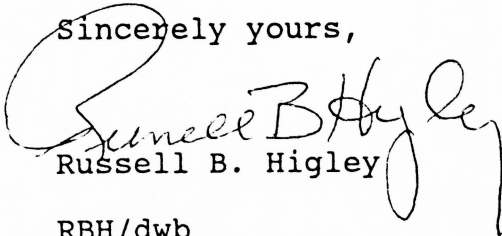
In May of 1990, the state legislature passed the Uniform Procurement Act, M.G.L. c. 30B. While c. 30B requires competitive bidding for all contracts over \$10,000 and quotes for all contracts between \$1,000 and \$10,000, it also provides that certain contracts are exempt from the mandates of c. 30B. By creating the exemptions, the legislature recognized the need for flexibility in the bidding laws with respect to certain types of contracts. Effective July 1, 1991, the legislature amended c. 30B to include approximately an additional twelve exemptions to its previous twenty or so exemptions. While cities are not required under c.30B to bid or quote those contracts which are exempt, they may elect to do so and do so pursuant to the standards set forth in c. 30B, if they so choose.

In an effort to bring our local ordinances in conformance with the c. 30B, the City Council amended Cambridge Municipal Code Chapter 2.34, Purchasing Department. As that ordinance now stands, the City is required to bid or to quote even those contracts which are exempt from c. 30B. The attached proposed ordinance amendment would exempt the same contracts that are exempt from c. 30B and would allow the City the same flexibility that c. 30B currently allows cities, that is, to bid even those contracts which are exempt, if the City so chooses.

Page Two
Robert W. Healy
November 21, 1991

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "Russell B. Higley". The signature is written in dark ink and is positioned above the typed name.

Russell B. Higley

RBH/dwb

Encl.: as stated



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

2.34.150 Competitive contracts.

All procurements for supplies or services exceeding one thousand dollars shall be based upon competition, and all procurements for supplies or services of ten thousand dollars or over shall be made in the manner provided by Chapter 2.112 of this title. All contracts exempt from the requirements of M.G.L. c. 30B, as amended, and any subsequent amendments thereto, shall be exempt from the requirements of this section.



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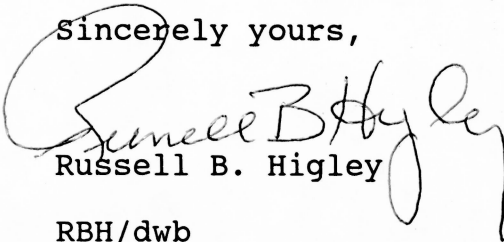
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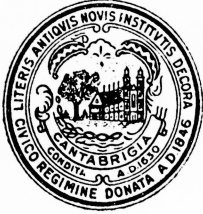
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RBH/dwb

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2.



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November 25, 1991

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Very truly yours,

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Robert W. Healy
City Manager

RWH/mev
attachment

Consent Agenda # 2 055

Amendment to the Municipal Code regarding
30B

12/9/91 Placed on file
without prejudice

In City Council,

November 25, 1991

Referred to the
Ordinance Committee
Copy sent to Ord. Comm.
11/26/91 *ds*