



The Commonwealth of Massachusetts

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

Michael Joseph Connolly, Secretary

To: City and Town Clerks, Local Housing Authorities, School Superintendents,
State and County Agencies.

From: Kathryn K. Maillett, Director, Massachusetts Regulations Division *K.M.*

Re: Revised Regulations and Forms for the Central Register (950 CMR 21.00)

Date: July 12, 1983

Enclosed are the new regulations and the revised forms related to publication of the Central Register. These are printed on standard 3-hole paper to be kept in a binder and so that local authorities using the blue binder on Chapter 579 of 1980 recently distributed by the Office of the Inspector General can replace pages in Appendix D (D2 through D10). The regulations have been amended in several minor ways to clarify redundant or obscure provisions and also in two relatively significant ways that I want to bring to your attention.

Initially this office held the opinion that the requirement for Central Register publication of the proposed lease, sale, purchase, acquisition or disposition of public property applied only to state and county agencies. That opinion did not take into account the very broad language of Chapter 9, section 20 of Massachusetts General Laws which describes what is published in the Register, and indicates that all public agencies must publish these "contracts" including local and regional authorities if the contract is expected to exceed \$25,000.

The second change in the regulations is procedural in nature. As the Register has matured into a 100 page or more weekly document it has become necessary to add an additional day for preparation and distribution to insure timely publication. The new deadline for documents to be received by this office will now be Tuesday for publication on Wednesday of the following week.

As before, we need to rely on the people to whom this memo is being sent to notify those offices in each municipality who are responsible for contracting about these new forms and regulations.

If you have any questions or suggestions for improving the regulations, forms or Central Register you can contact the Regulations Division at Room 74, State House, Boston, Ma. 02133 (617-727-9136).

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: Information Required to be Published
- 21.04: Information Not Required to be Published
- 21.05: Filing Contract Information

21.01: Scope and Purpose

(1) 950 CMR 21.00 establishes standards for preparing, filing and publishing capital facility contract data by public agencies. It is intended to promote uniformity, clarity and coherence in form and economy, accessibility and timeliness in printing and distributing this information.

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

21.02: Definitions

As used in 950 CMR 21.00 these terms shall have the following meanings:

Agency or public agency means every department, board, commission, division or authority of the state, county and municipal government or subdivision of any of the foregoing created or established by the General Court to serve a public purpose.

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 any facility contracted pursuant to M.G.L. c. 30,

21.02: continued

s. 39M or c. 40, s. 4 shall not be considered a "capital facility" for the purposes of 950 CMR 21.00.

Central Register means the weekly 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 pursuant to M.G.L. c. 9, s. 20.

Design services means any of the following services provided by any designer, programmer or construction manager in connection with any capital facility required to be published in the Central Register if estimated to cost more than \$10,000 and includes:

- (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 those classes of work required to be a separate section of a general contract if the class of work is estimated to be in excess of \$10,000 pursuant M.G.L. c. 149, s. 44F.

21.03: Information Required to be Published

(1) Rental Sale, Purchase, Lease, Disposition or Acquisition of Property by Public Agencies. Information related to the rental, sale, purchase, lease, disposition or acquisition of property by public agencies shall be submitted to the Secretary, pursuant to 950 CMR 21.05, for publication 30 days prior to the acceptance of proposals.

(2) Invitation to Bid - General Contracts. Public agencies shall submit to the Secretary, as provided in 950 CMR 21.05, information related to contracting and sub-contracting opportunities for the procurement of supplies, construction or other services and rentals of equipment incident to the design and/or construction, reconstruction, renovation, repair, demolition or furnishing of any capital facility when such contract is estimated to be in excess of \$25,000 or the minimum contract amount established by specific statute.

(3) Proposals for Design Service Contracts. Public agencies shall submit to the Secretary, as provided in 950 CMR 21.05, information related to contract opportunities for design services when such contract is estimated to exceed \$10,000.

(4) Names of Eligible General Contractors. Public agencies shall submit to the Secretary, as provided in 950 CMR 21.05, the names of general contractors prequalified under M.G.L. c. 149, s. 44D, who are eligible to bid on a capital facility contract.

21.03: continued

(5) Names of Debarred Contractors. The Division of Capital Planning and Operations and the Department of Labor and Industries shall submit to the State Secretary the names of contractors prohibited from public contracting as provided in M.G.L. c. 149, ss. 27C and 44C.

(6) List of Persons who have Obtained Plans and Specifications. Public Agencies shall submit to the State Secretary, as provided in 950 CMR 21.05, a weekly list of those persons who have obtained plans and/or specifications for a capital facility contract.

(7) Contract Awards. Public agencies shall submit to the State Secretary, as provided in 950 CMR 21.05, a notice stating the individual or firm selected for negotiation or award of any contract. Said notice required for any contract which was required to be advertised in a prior edition of the Central Register.

(8) Names of Certified Minority and Women Owned Enterprises. The State Office of Minority Business Assistance shall submit to the Secretary an annual list of all certified minority and women owned enterprises and subsequent interim additions, deletions or corrections thereto.

21.04: Information Not Required to be Published

(1) Unless a statute provides otherwise, contracts with an estimated cost to complete of less than \$25,000 or \$10,000 in the case of design services proposals, will not be published.

(2) Contracts adopted under M.G.L. c. 30, s. 39M or c. 40 s. 4 will not be published.

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

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

(5) Emergency procurements necessary to preserve the health and safety of persons or property are not published under 950 CMR 21.03(2) and (4), however the contract award for such procurements shall be published.

21.05: Filing Contract Information

(1) What to File. Unless otherwise provided, all information required to be published in the Central Register as required in 950 CMR 21.03 shall be submitted to the Secretary in duplicate on forms provided by the Secretary. Handwritten or newspaper copies will not be published. Information that is not on the proper form or that is not of reasonable printable quality will not be published.

21.05: continued

(2) 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 shall be received by the Secretary by Tuesday of the week preceding publication. It shall be the responsibility of the agency to assure timely filing so that provisions of law pertaining to public notice are met.

(2) Where to File. The Secretary will accept all documents for publication at the Massachusetts Regulations Division, Room 74, State House, Boston, Ma. 02133.

REGULATORY AUTHORITY

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

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:
7. Applications and Qualifications Statements Deadline:
8. Sub-Trade Categories:
9. Filed Sub-Bids Opened: *time and place*

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 - CONTRACT AWARD

1. Awarding Authority:

2. Project Description:

3. Design Contract Award:

Amount:

4. Sub-Bid:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

5. General Contract:

Amount:

CENTRAL REGISTER - CONTRACT AWARD

1. Awarding Authority:

2. Project Description:

3. Design Contract Award:

Amount:

4. Sub-Bid:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

Category:

Award:

Amount:

5. General Contract:

Amount:

CENTRAL REGISTER INVITATION TO RECEIVE APPLICATIONS
FOR DESIGN SERVICES

1. Awarding Authority:
2. Applications Available:
3. Applications Due:
4. Project Description and Identification Number:
5. Fee amount (if set): Negotiable:
6. Special Requirements:
7. Services Required:
8. Project Completion Date:
9. Briefing Session:
10. Categories of Consultants:

CENTRAL REGISTER INVITATION TO RECEIVE APPLICATIONS
FOR DESIGN SERVICES

1. Awarding Authority:
2. Applications Available:
3. Applications Due:
4. Project Description and Identification Number:
5. Fee amount (if set): Negotiable:
6. Special Requirements:
7. Services Required:
8. Project Completion Date:
9. Briefing Session:
10. Categories of Consultants:

CENTRAL REGISTER
NOTICE OF PROPOSED LEASE, SALE, PURCHASE, ACQUISITION OR DISPOSITION OF PUBLIC PROPERTY
(WHEN ESTIMATED TO EXCEED \$25,000)

AWARDING AUTHORITY:

LOCATION AND BRIEF DESCRIPTION OF PROPERTY:

ESTIMATED VALUE:

SOURCE OF VALUATION:

TIME AND PLACE TO RECEIVE PROPOSALS:

CENTRAL REGISTER
NOTICE OF PROPOSED LEASE, SALE, PURCHASE, ACQUISITION OR DISPOSITION OF PUBLIC PROPERTY
(WHEN ESTIMATED TO EXCEED \$25,000)

AWARDING AUTHORITY:

LOCATION AND BRIEF DESCRIPTION OF PROPERTY:

ESTIMATED VALUE:

SOURCE OF VALUATION:

TIME AND PLACE TO RECEIVE PROPOSALS:

CENTRAL REGISTER
NOTICE OF PROPOSED LEASE, SALE, PURCHASE, ACQUISITION OR DISPOSITION OF PUBLIC PROPERTY
(WHEN ESTIMATED TO EXCEED \$25,000)

AWARDING AUTHORITY:

LOCATION AND BRIEF DESCRIPTION OF PROPERTY:

ESTIMATED VALUE:

SOURCE OF VALUATION:

TIME AND PLACE TO RECEIVE PROPOSALS:

45.

S-493

Comm. Kathryn K. Maillett, Director, Secretary
of State's Office, Division of Regulations
Re: revised regulations and forms related to
publication of the Central Register.

In City Council,
September 12, 1983

1120/2000
Sept 13/83
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