

MASSACHUSETTS ASSOCIATION OF PUBLIC PURCHASING OFFICIALS (MAPPO)

MEETING MINUTES

Wednesday, June 18, 2014
Ristorante Fiore, 250 Hanover Street, Boston

Officers Present

Mary Delaney, President
Tom Watkins, Vice President
David Gelineau & Sarah Stanton, Co-Treasurers
Whitney Haskell & Sandra Marquis, Co-Secretaries

New Members Attending

None

Guests Attending

None

Lunch

A lunch buffet was served at 11:30 a.m. The food was excellent.

Speaker Presentation

Deborah Anderson, General Counsel, Office of the Attorney General spoke on “Avoiding bid protests, determining applicable law, supplier diversity office compliance, and volunteer labor and case law trends”.

A few highlights from her talk are listed below:

Avoiding Protests – Attorney General gets about 100 per year

- Notify the lowest bidder that they have been rejected and give the real reason, especially if the reason is lack of responsibility. This is not required but it is good practice.
- Make sure architect has called out paragraph e
- Product submittal comes after award of contract
- Bid should have a non-collusion statement so you don’t need a separate affidavit
- Be sure to have an “or equal” clause in proprietary specification even if you name 3 sources.
 - Attorney General can’t decide “or equal” contractor takes risk if determined “not equal”

Which Statute – 30- 39M, 149 or 30B, Chapter 7c

- 149 – Building – four walls and a roof
- 30-39M – Less than \$100,000 (Concession stand in athletic field)
- 30-39M – Disturbing the soil
- 30B – Mowing the lawn
- Chapter 7C – Design Service – Construction of a Building
- 30B – Public Work

Example: Handicap Accessible Ramp – if it touches a building 149, if it is in a playground 30-39M

Supplier Diversity Office

- No protests on compliance
- Call John Fitzpatrick with questions

Labor/Management Protests

- Volunteer Labor – no procurement needed
- Check with Department of Labor Services on prevailing wage issue. If the person is a true volunteer and not volunteered by a company.
- License Issue – should have prior to bid
- Paragraph E – filed sub-bid thresholds
- Targeting prequalification of non-union companies

Case Trends

Deborah Anderson reviewed several recent cases regarding the “Grant Rule”, Statements of Omission and Fraud and Collusion. She also reviewed some issues concerning Davis Bacon on Federal Projects.

Bid Protests

Submit position statements 2 days before hearing – MANADATORY
Need to know the facts

Welcome

Mary Delaney began the meeting by thanking Orazio Deluca, Somerville, for organizing today’s meeting

Co-Secretaries Report

Mary asked for approval of the May, 2014 meeting minutes. A motion was made, seconded and motion was approved.

Co-Treasurers Report

Sarah Stanton reported that the month’s beginning balance was \$29,919.51 and after additional dues and expenses the ending balance is \$27,634.12. There were no questions or comments on the treasurer’s report. A motion was made to accept the report and duly seconded. Motion passed.

Web-site Committee Report

Tom will be adding a section on the website to include meeting presentations.

Legislative Affairs Committee Report

No Report

Speaker Committee Report

Angela has been receiving lots of good ideas. She will start booking speakers soon. Maureen Doherty joined the committee. There committee is still accepting new members.

Working Group Committee

No Report

Good & Welfare Committee

No Report.

Seminar Committee

No update. Sheryl Levenson thanked everyone who helped with the Spring Conference.

Announcements

Mary Delaney asked the membership for feedback on locations for next year's meetings. It was noted that many of meetings have been hosted by the same cities and towns over the past few years. In order to attract more members and encourage more participation with current members the Board will be discussing what other cities and towns should be asked to host. Any input by the membership would be greatly appreciated.

Recognitions

None

Old Business

OSD is hold on-site sessions to assist cities and towns with the transition to CommBuys.

CommBuys Pilot programs are in full swing. Mary stated that the pilot for Gardner is going well. Brookline is also participating but they are reserving judgment until the pilot is completed.

New Business and Member's Agenda Items

Dave Geanakakis would like to for a MAPPO MUNIS Users Committee to help those cities and towns using MUNIS to collaborate with OSD to find a way for MUNIS and CommBuys to interact cohesively. Anyone interested call Dave. The MUNIS Committee would approach the MUNIS and ask for assistance in linking-up MUNIS with CommBuys. The rub is that MUNIS has a procurement modular and they may be hesitant or unwilling to assist. Gary Lambert is willing to dedicate a staff person to help with this project. OSD may also need to partner with IT to aid in this process.

Sarah Stanton would like to for a MAPPO Outreach Committee. MAPPO is looking for committee members to host meetings. If the member cannot host the meeting but, would like a meeting in their area, the Board can host the meeting. If a meeting is held in an area without a current MAPPO member, the Committee would reach out to that town (and the surrounding towns) and invite them to the meeting. The hope would be to increase the membership. Sarah noted that it is not difficult to host a meeting and that selecting the food can be fun. The speaker committee is also very helpful.

Meeting Adjourned

President Mary Delaney closed the meeting at 2:30 a.m.

Respectfully submitted,
Sandra L. Marquis, MAPPO Co-Secretary