

By Ms. Walsh, a petition (accompanied by bill, Senate, No. 1448) of Marian Walsh for legislation authorizing governmental bodies to request exemptions from the uniform procurement act when certain criteria are met. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE UNIFORM PROCUREMENT ACT.

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 8 of chapter 30B of the General Laws is hereby
2 amended by designating lines 1 through 9 as paragraph (a), and by
3 adding the following paragraph:—

4 (b) Whenever the requirements of this chapter would prevent a
5 governmental body from taking advantage of a business opportu-
6 nity which is in the best interest of the governmental body, a pro-
7 curement officer may request an exemption from the requirements
8 of this chapter from the inspector general.

9 A request for an exemption must 1) be submitted to the
10 inspector general in writing, 2) describe the business opportunity
11 and how that opportunity furthers the interests of the govern-
12 mental body, and 3) state how the requirements of this chapter
13 prevent the governmental body from taking advantage of the busi-
14 ness opportunity presented. The inspector general may waive all
15 or any portion of this chapter and authorize the governmental
16 body to take advantage of the business opportunity presented. The
17 inspector general shall make a written response to the petitioning
18 governmental body within ten days from receipt of the request.
19 The business opportunity procurement or disposal shall be limited
20 to the terms authorized by the inspector general and shall conform
21 to the requirement of this chapter to the extent practicable. The
22 procurement officer shall make a record of each business opportu-
23 nity procurement or disposal, specifying each contractor's name,

24 the amount and type of each contract, a listing of the supply or
25 service provided under each contract, and shall maintain such rec-
26 ommendations together with the written request for the exemption
27 and the inspector general's authorization. The procurement officer
28 shall submit a copy of this record at the earliest possible time to
29 the state secretary for placement in any publication established by
30 the state secretary for the advertisement of procurements.