

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS  
(WITH LABOR)**

| Estimated Contract Amount              | Under \$10,000  | \$10,000 to \$50,000   | \$50,000 or less   | Over \$50,000  |
|--|---|--|--|--|
|  | <b>M.G.L. c. 30, § 39M</b>  | <b>M.G.L. c. 30, § 39M</b>   | <b>M.G.L. c. 30B, § 5 Option<sup>1</sup></b>   | <b>M.G.L. c. 30, § 39M</b>   |
| <b>Procurement Procedure</b>           | Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup> | Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. <sup>3</sup>  | Sealed bids.   | Sealed bids.   |
| <b>Notice/Advertising Requirements</b> | None.   | Post a notice at least two weeks before responses are due on 1) your jurisdiction’s website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>4</sup> | Post a notice at least two weeks before bids are due 1) in your jurisdiction’s office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . <sup>5</sup> | Post a notice 1) in your jurisdiction’s office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>6</sup> |
| <b>OSHA Training</b>                   | No.   | Yes.   | Yes.   | Yes.   |
| <b>Prequalification</b>                | No.   | No.  | No.  | Maybe. <sup>7</sup>  |
| <b>Bid Deposit</b>                     | No.   | No.  | No.  | 5% of the value of the total bid.  |
| <b>Payment Bond</b>                    | No.   | 50% payment bond if contract is more than \$25,000. <sup>8</sup>   | 50% payment bond if contract is more than \$25,000. <sup>9</sup>   | 50% payment bond.  |
| <b>Performance Bond</b>                | No.   | No.  | No.  | No.  |
| <b>Prevailing Wage</b>                 | Yes.  | Yes.   | Yes.   | Yes.   |
| <b>OSD or Blanket Contract Option</b>  | Yes.  | Yes.   | No.  | No.  |

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A.

<sup>6</sup> M.G.L. c. 149, § 44J.

<sup>7</sup> Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

<sup>8</sup> M.G.L. c. 149, § 29.

<sup>9</sup> M.G.L. c. 149, § 29.