

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
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option ¹	M.G.L. c. 30, § 39M
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2). ²	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. ³	Sealed bids.	Sealed bids.
Notice/Advertising Requirements	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. ⁴	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> . ⁵	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. ⁶
OSHA Training	No.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Maybe. ⁷
Bid Deposit	No.	No.	No.	5% of the value of the total bid.
Payment Bond	No.	50% payment bond if contract is more than \$25,000. ⁸	50% payment bond if contract is more than \$25,000. ⁹	50% payment bond.
Performance Bond	No.	No.	No.	No.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.

¹ Authorized by [M.G.L. c. 30, § 39M\(d\)](#).

² [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.”

³ [M.G.L. c. 30, § 39M](#), as amended by [Chapter 218 of the Acts of 2016](#).

⁴ [M.G.L. c. 30, § 39M](#), as amended by [Chapter 218 of the Acts of 2016](#).

⁵ [M.G.L. c. 30B, § 5](#), and [M.G.L. c. 9, § 20A](#).

⁶ [M.G.L. c. 149, § 44J](#).

⁷ 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](#).

⁸ [M.G.L. c. 149, § 29](#).

⁹ [M.G.L. c. 149, § 29](#).