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Important Information on Changes to the Massachusetts Public Construction Procurement Laws

By Associated Subcontractors of Massachusetts
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The Municipal Modernization Act of 2016 (Chapter 218 of the Acts of 2016), signed by the Governor in August, contains several significant changes to the construction procurement laws, designed to streamline and standardize procurement for smaller projects. These new provisions take effect on **November 7, 2016** – and may affect some ASM members.

The new law includes the following:

- The law makes changes to standardize the dollar thresholds, advertising requirements and procurement procedures for all vertical and horizontal construction projects estimated to cost up to \$150,000.
- It increases thresholds for smaller projects estimated to cost up to \$150,000. These threshold changes affect building projects, public works projects and CM at Risk projects.
- For public building projects, the threshold for projects requiring a formal bid opening process will increase from \$25,000 to \$50,000; and **the threshold for projects requiring DCAMM Certification and submission of filed sub-bids will increase from \$100,000, to those over \$150,000.**
- **The trade value threshold for requiring filed sub-bids on public building projects increases from \$20,000 to \$25,000 and the threshold for Paragraph E sub-sub bids increases from \$10,000 to \$25,000.** (The current Paragraph E threshold of \$10,000 was not increased in 2004 when the filed sub-bid threshold increased to \$20,000. It is now playing "catch up" and will match the new filed sub-bid threshold.)
- The new law also includes provisions permitting the use of Agency/Awarding Authority procured blanket vendor contracts or OSD Statewide Contracts for procurement of smaller maintenance and repair services to facilitate streamlining procurement of these smaller tasks while retaining competitive pricing.

Below are two documents that provide an excellent overview of the upcoming changes to public construction procurement thresholds. Please keep them on hand as a ready reference.

From DCAMM:

[Chart of Current vs. New Law Thresholds and Process Changes - Effective November 7, 2016](#)

From the Inspector General:

[Several charts showing changes affecting public building projects, public works, design services, construction materials, and procurement of supplies and services](#)