



Posted 2.11.2021 at 3:30pm by JAD

## SELECT BOARD

### AGENDA

Tuesday, February 16, 2021

7:00pm

**The Select Board Regular Meeting is being held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Select Board

Time: Feb 16, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83242749536?pwd=Nml2WVRRrSXNheVRjNVBralVreTRSQT09>

Meeting ID: 832 4274 9536

Passcode: 706793

Find your local number: <https://us02web.zoom.us/j/kocAi6XHG>

Dial by your location

+1 253 215 8782 US

+1 301 715 8592 US

Find your local number:

One tap mobile

+13126266799,,123906012# US (Chicago)

+19294362866,,12390012# US (New York)

### Agenda Items

- 1) Transportation Advisory Committee volunteer interviews; background/why interested (7:00)
- 2) Update from the Open Space Committee (7:20)
- 3) Public Communication (7:35)
- 4) Update on Health Insurance premiums (7:40)
- 5) Review and further discussion on the Request for Proposals (RFP) for cell tower in town (7:50)
- 6) Town Administrator Report - miscellaneous issues & discussion items: including update on local vaccination efforts (8:00)
- 7) Approve minutes 2/2 (8:15)
- 8) Action/Discussion items: (8:20)
  - a) Discuss request from Emily Ferguson for appeal to dog "Diesel" decision (2019)
  - b) Act on addendum to the old library lease
  - c) Discuss architectural assessment for the DPW site
  - d) Review and discuss the town's surplus policy
  - e) Review welcome letter to new MassDevelopment President & CEO Daniel Rivera
- 9) Select Board Reports
- 10) **Executive Session as per MGL 30A Sec. 21.3** to discuss strategy with respect to collective bargaining or litigation if an open an open meeting will have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. The Board will reconvene into open session only to adjourn.

*Next Regular Select Board Meeting*

*Tuesday, March 2, 2021*

*7:00pm*

# TOWN OF HARVARD

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## VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

**Date of Application:** January 12, 2021

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**Applicant Information:**

**Name:** Bruce A Leicher

**Address:** 58 Warren Ave

**Home/Work Phone #** [REDACTED]

**Mobile Phone#** [REDACTED]

**Email Address:** bruceleicher@aol.com

**Indicate below which Board(s) or Committee(s) are of interest to you:**

Harvard Transportation Advisory Committee -Bicycle Rep or Community Rep

**Have you previously been a member of a Board, Committee or Commission** (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:  
Bare Hill Pond Watershed Mngmt Cttee (2001-present) F.I.A.T. 2008;

**Do you have any time restrictions?**

YES

NO

No significant time restrictions.

**Are you a registered voter?**

YES

NO

**Please list your present occupation and employer** (you may also attach your résumé or CV)

Resume will be attached or emailed to JDoucet

**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest?** (If YES, please describe the possible conflict) No

**Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.**

I am a very active cyclist and advocate for bicycle safety and trails. I also rode mass transit to Cambridge from Harvard (Littleton stop) from 2001-2019 and believe there are opportunities for the Town to improve access to rail service and to advocate for improved access to the commuter rail, expanded parking and more effective service (particularly after COVID).

I am an Associate Trustee of the HCT which supports open space and trails.

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard.ma.us

## BRUCE A. LEICHER

[BruceLeicher@aol.com](mailto:BruceLeicher@aol.com)

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Executive and Board Member with over 35 years' management experience building biotechnology and high technology companies. Valued as a strategic thinker with substantial experience in shaping corporate strategy and development pipelines, responding to major corporate challenges, building strong and capable teams, and serving as a leader of the industry in which I served. Strengths include:

- Corporate and Board Governance
- Corporate Finance and Banking
- Mergers and Acquisitions
- Strategic Partnerships
- Intellectual Property Strategy
- International Transactions
- Government Relations
- Biotechnology Product Development and Regulatory Policy
- Commercial Launch and Operations
- Litigation, Compliance and Risk Management
- Human Relations and Team Building

### BOARDS

Epiphany Craft Malt, LLC, Durham, NC (2020 – present)

A leading manufacturer of malted grains for use by craft breweries and bakeries.

Mass General Brigham, Institutional Review Board, Boston, MA (2019 – present)

Board reviews proposed clinical trial research protocols to help assure human subject protection, ethical practices and regulatory compliance

National Biomedical Research Foundation, Waltham, MA (July 2009 – Present)

A non-profit research foundation that funds post-doctoral research on biomedical academic-industry relations

Chair, Biosimilars Council Board, Washington, D.C., (February 2016 to October 2018)

The Biosimilar industry trade group formed as a division of the Association for Accessible Medicines (AAM). Also served as a Board member of AAM on behalf of the Biosimilars Council

## EMPLOYMENT HISTORY

Momenta Pharmaceuticals, Inc., Cambridge, MA (2008-2018)  
*Senior Vice President, General Counsel and Secretary; Compliance Officer*

As a member of the Executive Team and first General Counsel, provided key advice to the management and the Board of Directors as Momenta:

- Drove activities in Washington, DC to enact and implement the new FDA regulatory law and regulatory policy before Congress, the FDA and CMS
- Negotiated and managed multiple collaborative partner transactions to finance product development, manage risk, and build a multi-product generic, biosimilar and novel biologic product portfolio
- Guided the Board as it put in place best practices for oversight of corporate strategy, major litigation, compliance programs, cybersecurity, and multiple financings and strategic transactions and initiatives; managed Board of Directors on-boarding and education

Altus Pharmaceuticals Inc., Cambridge, MA (2006 – 2008)  
*Senior Vice President, General Counsel and Secretary; Compliance Officer*

- Advised the executive team and the Board of Directors through a major strategic reorganization, including the replacement and recruitment of a new Chief Executive Officer
- Guided the Board and the executive team in connection with a major follow-on financing; and the negotiation and exit from a key strategic alliances
- Established a high performing legal team with a successful succession plan

Antigenics, Inc., (now Agenus) Lexington, MA (2005 – 2006)  
*Vice President, General Counsel and Secretary; Compliance Officer*

- Advised executive management and the Board in establishing effective corporate governance, and planning a major restructure and financing of the Company
- As first General Counsel, developed the legal function for the restructured entity

Millennium Pharmaceuticals, Inc. Cambridge, MA (2003 – 2005)  
*Vice President and Chief Pharmaceutical Counsel; Compliance Officer*

- With the Heads of Commercial, Regulatory, and Clinical, built the infrastructure to launch and the Company's first commercial product, Velcade®(Bortezomib) and partner the product outside the United States
- Advised the Executive Team and the Board in connection with the launch, corporate governance, compliance, development programs and partnering transactions

Hill & Barlow, Boston, MA (2002)  
*Co-Chair, Lifesciences Practice Group*

- Built the firm's first Lifesciences Practice Group
- Represented mature and emerging biotechnology, pharmaceutical, and device companies in major transactions and academic research institutions
- Advised Executive Teams and Boards on FDA, corporate finance, research and development, and supply chain matters
- Representative clients included: Millennium Pharmaceuticals, Wyeth, Celera, Cubist, and Syntonix.

Private Law Practice, Harvard, MA (2001)

- Represented biotechnology companies in strategic development and commercialization transactions

Curis, Inc. and Ontogeny, Inc., Cambridge, MA (2000)  
*Vice President, General Counsel and Secretary*

- Advised executive management and the Board of Ontogeny in a three way merger with Creative BioMolecules, Inc. and Regeneration, Inc. into Curis
- Counseled executive management and the Curis Board in connection with becoming a public company
- Provided legal and strategy support to executive management in connection with its transactional, corporate, SEC, licensing, intellectual property, human resources, regulatory and other matters during the integration and launch of Curis' regenerative medicine business as a public company.

Genetics Institute, Inc. (GI), Cambridge, MA (1990 - 1999), a subsidiary of American Home Products Corporation (AHP/Wyeth) (1997 - 1999)

*Vice President - Law (1997 - 1999), Associate General Counsel (1994 - 1997)*

*Director, General Law and Corporate Counsel (1991 - 1994), Senior Counsel (1990 - 1991)*

- First business lawyer hired by Genetics Institute as its first product entered the clinic
- Advised executive management and the Board in the negotiation of the strategic alliance and ultimate merger of Genetics Institute into AHP/Wyeth
- Established the legal department and the infrastructure for legal support of transactions, corporate finance, FDA, clinical and product development, compliance, commercial and other key functions for a biotechnology company, including the regulatory approval and launch of three products
- Provide key legal advice in negotiating and managing multiple, global strategic alliances and licenses and managing key legal cases that were precedent setting in the emerging biotech industry

Bruce A. Leicher  
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Bolt Beranek and Newman Inc. (BBN), Cambridge, MA (1984-1990)  
*General Counsel, BBN Communications Corporation (BBNCC) (1989-1990)*  
*Senior Attorney, BBN (1984-1988)*

- Reporting to the first BBN General Counsel, established a Legal Department at BBN during its transformation from a \$100 million per year U.S. Government contractor into a diversified international computer, internet, data communications, and research and development company with six operating subsidiaries
- Promoted to the executive team of BBNCC, the data communications subsidiary of BBN, representing approximately one third of BBN's business.
- Managed corporate finance, SEC compliance and corporate litigation matters
- Negotiated key strategic transactions, including acquisitions, R&D partnerships, complex and distribution and product agreements
- Developed teams of contracts professionals to manage high volume contract activities
- Established corporate structure and offices in seven countries to support global expansion and operations

Hale and Dorr, Boston, MA (1983 - 1984)  
*Associate*

- Corporate law practice focusing on securities law, mergers and acquisitions, venture capital finance, contract negotiation and corporate formation for high technology companies

United States District Court, Washington, D.C. (1982 - 1983)  
*Law Clerk to the Honorable Thomas F. Hogan.*

Butler & Binion, Washington, D.C. (Summer 1979, 1980 - 1982)  
*Associate*

- Litigation and regulatory practice with an emphasis in international, aviation, transportation, and energy

## EDUCATION

Georgetown University Law Center, Washington, D.C.

J.D., *Magna Cum Laude*, 1980  
Editor, Georgetown Law Journal  
Staff, Institute for Public Representation, a public interest administrative law advocacy clinic

University of Rochester, Rochester, N.Y.

B.A., Psychology, *Magna Cum Laude*, 1977  
Concentration in Computer Science  
Phi Beta Kappa

## TEACHING

University of New Hampshire Law School, Adjunct Professor, (2019- present)  
BioInnovation, Law and Policy.

Suffolk University Law School, MS Program in Life Sciences, Adjunct Professor (2020- present)  
Biotechnology Law and Business.

Harvard Law School (2002 - 2006)  
Biotechnology: Academic, Government and Industry Interactions and Tensions

Frequent speaker on biotechnology law.

## CIVIC

Town of Harvard, Bare Hill Pond Watershed Management Committee (2001 – present)  
Chair (2002 – present)

# TOWN OF HARVARD

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**Date of Application:** January 31, 2021

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### Applicant Information:

**Name:** Jim Lee

**Address:** 110 E. Bare Hill Rd

**Home/Work Phone #** [REDACTED]

**Mobile Phone#** [REDACTED]

**Email Address:** jlee8893@gmail.com

### Indicate below which Board(s) or Committee(s) are of interest to you:

Transportation Advisory Committee

**Have you previously been a member of a Board, Committee or Commission** (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:  
Yes, Park & Rec mid 90s to mid 2000's, OSC, 2020-present, Open Space and Re

**Do you have any time restrictions?**                       YES                      NO  
Primarily work days so mid day meetings are not so good.

**Are you a registered voter?**                                       YES                      NO

**Please list your present occupation and employer** (you may also attach your résumé or CV)  
Dana Farber Cancer Institute Biomedical Research

**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest?** (If YES, please describe the possible conflict) NO

### Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.

During my time P&R, I planned for, applied for and was granted Rec Trail grant for the town Rec Trail linking, Ryan Land playing fields and Harvard Park. Also involved with development of Harvard Park and Charlie Waite field. Interested in connecting all areas of Harvard by non-vehicular means(paths, bikepaths, etc).

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email [jdoucet@harvard.ma.us](mailto:jdoucet@harvard.ma.us)



# TOWN OF HARVARD

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## VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

**Date of Application:** January 17, 2021

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**Applicant Information:**

**Name:** Gabriel Medjanis

**Address:** 102 Old Mill Road, Harvard, MA 01451

**Home/Work Phone #** [REDACTED] **Mobile Phone#** [REDACTED]

**Email Address:** gmedj@aol.com

**Indicate below which Board(s) or Committee(s) are of interest to you:**

Transportation Advisory Committee

**Have you previously been a member of a Board, Committee or Commission** (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

No

**Do you have any time restrictions?**  YES  NO  
Mon-Fri 7am - 5pm

**Are you a registered voter?**  YES  NO

**Please list your present occupation and employer** (you may also attach your résumé or CV)

Dicerna Pharmaceuticals, Manager Clinical Drug Supply Chain

**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest?** (If YES, please describe the possible conflict) No

**Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.**

I have been a lifelong resident of Harvard (43 years) and seen the town grow from what it was in my youth to what the town has evolved to presently. During these 4 decades I have observed the need for local infrastructure to support the steady population growth within Harvard as well as the many other commuters who travel through town on a daily basis. Additionally, I was a daily rider of the MBTA Commuter Rail from Littleton station to Boston from 2004 - March 2020 (work from home order).

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard.ma.us

## Curriculum Vitae

Gabriel Medjanis

[gmedj@aol.com](mailto:gmedj@aol.com)

### Summary:

As a person who greatly enjoys interacting and collaborating with internal and external stakeholders, I intend to use my process chemistry background combined with my experience managing global supply chain finished good operations at contract organizations and extensive biotech network to continue to grow within supply chain and contribute to the success of the business by improving the quality of people's lives on a global scale.

### Work Experience:

#### Dicerna Pharmaceuticals, Cambridge, MA

Manager, Clinical Drug Supply

July 2020 – Present

- Oversight of clinical finished goods production, main point of contact for external vendors
- Supply management and oversight of IRT
- Review and approval of documentation associated with clinical finished goods
- Cross functional collaboration with Quality, Clinical Operations, CMC, Supply Chain, Program Management
- Develop tracking/manufacturing scheduling tools in Excel
- Provide updates on schedules and identify issues proactively
- Well versed in international shipping requirements for IMP
- Manage supply depots for clinical trial inventory, distribution, expiry management, returns and destruction

Senior Specialist, Clinical Drug Supply

May 2019 – June 2020

- Coordination with Clinical Operations to relay study design to external partners, assign to budget line items, SOW, PO creation for Clinical Drug Supply across all programs
- CMO oversight and management of Clinical Finished Goods Label/Pack/Distribution and Label Development across all clinical programs
- Supply planning through cross functional collaboration with QA, CMC, Clinical Operations and Program Management
- IRT oversight and management of depot to depot and depot to clinical site logistics
- Proficient working with couriers and import/export requirements (TSE/BSE, letter of declaration, chain of custody, commercial invoice)

#### Biogen, Cambridge, MA

Production Specialist, External Manufacturing

June 2016 - May 2019

- Managing CMO commercial and clinical finished goods label and pack operations of 70+ SKU's of both small molecule and biologics amounting to \$4 billion or 35% annual revenue
- Manage end-to-end production of commercial medical devices from Raw Material production to finished good release
- Oversee inventory management to align with commercial demand significantly reducing annual E&O
- Managing multiple projects to streamline business processes such as direct shipments from supplier to AL&P sites, qualifying alternate carriers, and component sourcing transition from 3<sup>rd</sup> party vendor to raw material supplier resulting in \$200K+ annual cost reduction, increased efficiency and reduction in redundancy
- Serve as External Manufacturing SME on global workstreams such as Change Management, Serialization, Logistics Transfer Process and cloud based E2Open commercial production management
- Manage training of External Manufacturing commercial production team in ERP batch management
- Communicating production forecasts to CMO's to ensure adequate production capacity on monthly basis
- Internal Management of vendor change controls and deviations relating to raw materials and commercial finished goods
- Execution of transport requests and cross-functional communication with Commercial Planning, Logistics and Supply Chain Quality to ensure timely delivery of commercial finished goods/drug product/finished good intermediates/components to and from CMO's/3PL's/vendors to meet production and market demand requirements
- Knowledgeable of FDA/EMA regulations and GMP guidelines relating to production and distribution of biopharmaceuticals
- Monitor and evaluate KPI metrics to quantify performance for management review
- Serve as the commercial production team Business Process Owner in support of global alignment of standard practices

#### Back Bay Properties Corp., Boston, MA

Sales and Leasing Agent

March 2014 – Present

- Collaborating with commercial investors in targeting the best add value property from site designation and negotiating purchase to permitting, construction and leasing, maximizing return on investment and strategic placement among competition
- Representing both buyers and sellers within the commercial and residential markets, experience in 1031 Exchanges

#### Paratek Pharmaceuticals, Boston, MA

Scientist I, Process Research and Development

January 2010-May 2013

Associate Scientist, Process Research and Development

January 2008-December 2009

Senior Research Associate, Process Research and Development January 2006-December 2007

Research Associate, Process Research and Development January 2004-December 2005

- Significantly reduce production costs in the process development of antibiotic drug targets, by optimizing all reaction parameters, prep HPLC purification and analytical method development and validation from pre-clinical stage through Phase III clinical trials on a gram to kilo scale (50L)
- Prepare, review and deliver batch records, tech transfer packages, C of A's and deviation reports to CRO/CMO's, coordination and supervision of GMP batch manufacture onsite to ensure analytical specifications and release criteria are met during final purification of API
- Manage supply chain operations with CMOs, supply depots, clinical sites, and internal to ensure that clinical supply is available as planned to meet global demand requirements while minimizing waste of Phase III supply overage
- Responsibilities as Process Chemistry Laboratory, Chemical Safety Officer include training and supervision of research associates, authoring, revising, and reviewing Process Chemistry Laboratory SOP's, maintaining a safe working environment compliant with EHS regulations and implementing CAPA as needed
- Establish and maintain vendor relationships resulting in consistent competitive pricing to meet budget demands for in-house batch production
- Communicate effectively with cross-functional groups to ensure timely delivery of project goals
- Establish alternate synthesis route to drug target via common intermediates increasing patent protection
- Coordinate pre-clinical toxicity batch production with Pharmacology

### **Advertising Associates International, Weston, MA**

Public Relations

March 2000-December 2003

- Drafting business proposals to provide new and existing clients multiple marketing options based on budget and target audience (i.e. television, radio, magazine, newspaper, billboard, aerial banner)
- Managing public relations and conducting market research for clients

### **Publications:**

#### ***N*-hydroxybenzimidazole Inhibitors of the Transcription Factor LcrF in *Yersinia*: Novel Anti-Virulence Agents**

Oak K. Kim, Lynne K. Garrity-Ryan, Victoria J. Bartlett, Mark C. Grier, Atul K. Verma, Gabriel Medjanis, Janice E. Donatelli, Ann B. Macone, S. Ken Tanaka, Stuart B. Levy, and Michael N. Alekshun  
*J. Med. Chem.*, **2009**, 52 (18), pp 5626–5634

### **Education:**

B.Sc. Chemistry, University of Massachusetts at Amherst

### **Awards/Certificates/Technical Skills:**

Recipient of Eagle Scout Award

Biotechnology Project Management Certificate, MassBioEd

Commonwealth of Mass., Licensed Real Estate Salesperson

Oracle R12, Agile PLM, SAP, Trackwise, Serialization, cGMP practices, Process Control Documentation, Microsoft Office, modern organic synthesis, LC/MS, HPLC, <sup>1</sup>H NMR, FTIR, XRPD

# TOWN OF HARVARD

## VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

**Date of Application:** January 27, 2021

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### Applicant Information:

**Name:** Rene Turnheim

**Address:** 106 East Bare Hill Road

**Home/Work Phone #** [REDACTED]

**Mobile Phone#** [REDACTED]

**Email Address:** r@turnheim.com

**Indicate below which Board(s) or Committee(s) are of interest to you:**

Transportation Advisory Commission

**Have you previously been a member of a Board, Committee or Commission** (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

**Do you have any time restrictions?** YES  NO   
normal office work hours;

**Are you a registered voter?** YES  NO

**Please list your present occupation and employer** (you may also attach your résumé or CV)

Manager, IT Solutions; Instrumentation Laboratory

**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest?** (If YES, please describe the possible conflict) NO

**Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.**

Master in Mechanical Engineering;  
Operate Good Spirits Farm together with my wife in Harvard

Received by Town of Harvard

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard.ma.us

**TO:** Rich Maiore, Select Board  
**FROM:** Peter Dorward, Open Space Committee  
**DATE:** February 11, 2021  
**SUBJECT:** Delinquent Tax Parcel Recommendations

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At the request of the Select Board, the Open Space Committee (OSC) reviewed a list of delinquent tax parcels for suitability as active recreation sites and for protection as open space (OS). This analysis was performed using the recently developed OSC GIS tools, and with the assumption that Select Board would agree to acquire the parcels for municipal use without recovering the delinquent tax.

The OSC voted at its meetings of 1/14/21 and 2/10/21 to recommend the following disposition for these parcels.

- Gebo Lane RE Trust - the majority of this parcel is a fire pond so may be of interest to the Fire Department. It has little value for active recreation or OS protection.
- Higgins, St. John's Lane - this parcel was taken by eminent domain at the 2013 ATM (article 40). It appears the deed was not recorded.

#### Active Recreation

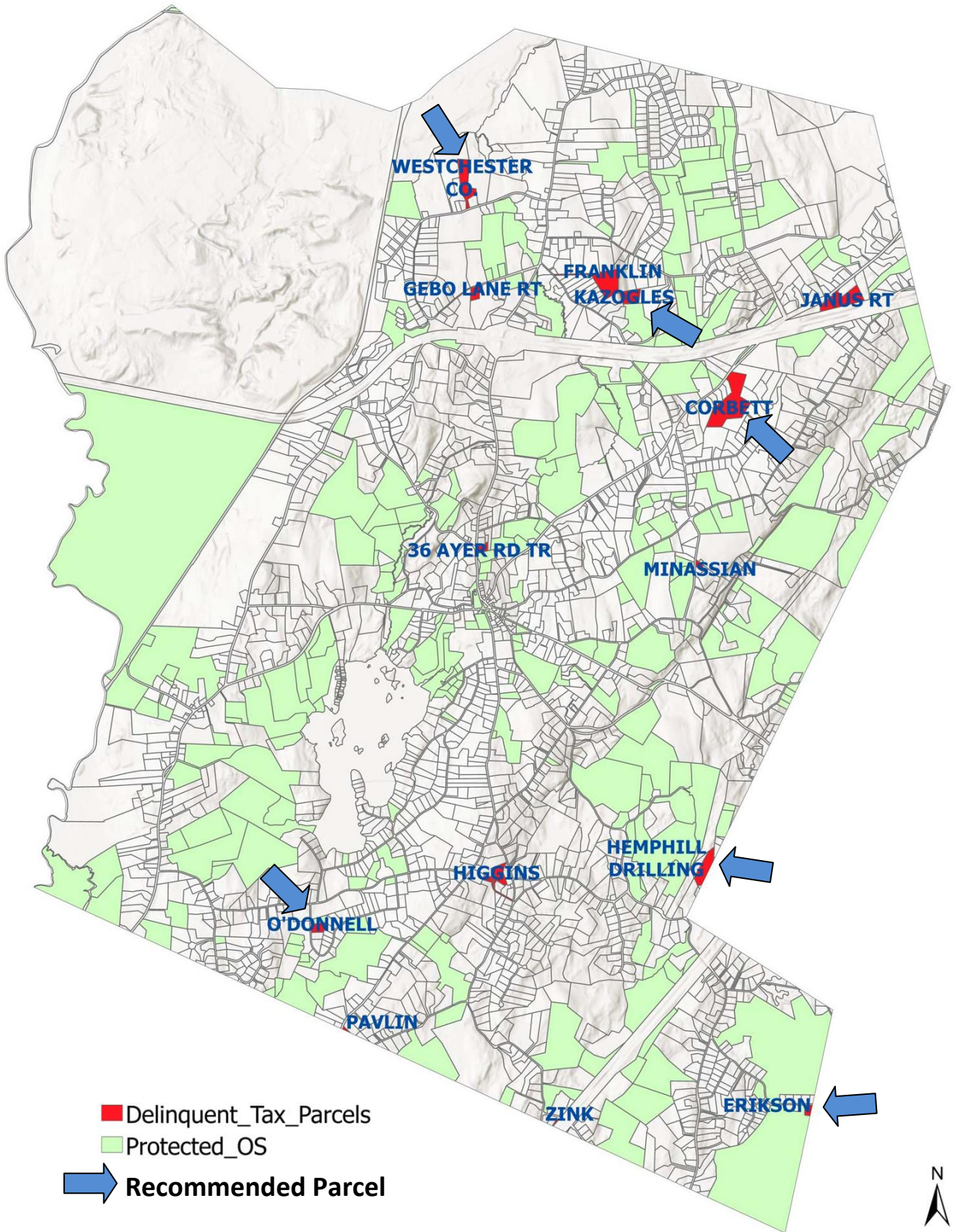
None of the parcels meet the requirements for sufficient level land outside of wetland buffers and with road access.

#### Open Space Protection

The following properties have OS qualities that make them worthy of protecting.

- Corbett, Littleton Road – 25 Ac parcel which is currently trying to be developed. It is in an ecologically significant area, and could become part of an OS corridor. It does contain a residence so the parcel may have to be divided.
- Erikson, Finn Road – 2 Ac parcel which abuts Delaney. Mostly wetlands, but has a dry area along Finn Road which could provide parking and a viewshed.
- Hemphill Drilling, Codman Hill Road – 7.5 Ac parcel which contains ecologically sensitive areas, and has the strong potential to become part of an extensive open space corridor.
- Kazogles, Poor Farm Road – 6 Ac parcel which abuts existing conservation land and contains wetlands.
- O'Donnell, Woodside Road – 3 Ac parcel which abuts conservation land.
- Westchester Company, Old Mill Road – 10 Ac parcel adjacent to several OS parcels ranked as Priority, so has potential for OS connectivity; contains wetlands

The remainder of the tax delinquent parcels have little value for OS protection.



- Delinquent\_Tax\_Parcels
- Protected\_OS
- ➔ Recommended Parcel



**Select Board Minutes**  
**Tuesday, February 2, 2021**  
**7:00pm**

**The Select Board Regular Meeting was held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20.**

**Select Board participants:**

**Alice von Loesecke, Stu Sklar, Lucy Wallace, Rich Maiore, Kara Minar**

**Town Department attendees:**

**Town Administrator Tim Bragan, Assistant Town Administrator/HR Director Marie Sobalvarro and Executive Assistant Julie Doucet**

**Additional participants:**

**Board of Health Chair Sharon McCarthy, Council on Aging Chair Beth Williams, Council on Aging member Guy Oliva, HEAC member David Fay, National Grid Rep. Scott Farrar**

**Update on vaccination roll out in the area**

Board of Health (BoH) Chair Sharon McCarthy said they fully support their mission to prevent the spread of diseases. Their goal is to facilitate the ability for as many residents as possible to receive the Covid-19 vaccination. They will ensure this happens as soon as possible and as close to home as possible. She acknowledged the vaccine doses are low and demand is high therefore when supply of doses increases the supply of injection sites could be a limiting factor. The BoH wants to develop a plan to avoid further delays once more doses are available.

McCarthy outlined the steps necessary to achieve their goal:

- Coordinated and collaborative planning with NAHB, emergency services, and Region 2 Public Health Emergency Preparedness (PHEP)
- Identify most plausible configuration of a clinic
- Identify of all necessary personnel and equipment
- Develop logistics plan
- Conduct community outreach on vaccine and encourage participation

McCarthy asked the Select Board to endorse and support planning activities and willingness to utilize MEMA and FEMA funds for vaccination work. She said these expenses will be 100% reimbursable. McCarthy has spoken with Nashoba Board of Health Director James Garreffi several times. Nashoba has not yet begun planning for phase three when the larger population is eligible for the vaccine but will be the regional entity tasked with organizing local clinics. All local Boards of Health will help and support them in their efforts.

Town Administrator Tim Bragan reported the Council on Aging Director has recently been informed Harvard will receive 12 doses. CoA Director Debbie Thompson is working to determine eligibility and will facilitate distribution of vaccines appropriately. He indicated Harvard EMS, Fire/Police Chiefs are working with the BoH on an emergency plan. They are in agreement a regional effort is the best approach to offering vaccination clinics.

McCarthy reported Devens has a satellite site however it is not listed on the state website. She suggested residents in Devens contact MassDevelopment directly for details. She reported the Department of Public Health (DPH) has indicated more doses will be distributed. This distribution will include pharmacies as well. She noted the state's distribution plan targets areas that have been hit particularly hard by the pandemic therefore a community such as Harvard may see more of a delay in vaccine distribution.

The Select Board members agreed the Board of Health is the appropriate entity to take the lead on this initiative and will fully support their efforts.

### **Town Administrator Report**

#### *Council on Aging (CoA) has interest in the medical building on Lancaster County Road*

CoA liaison Lucy Wallace asked Bragan to add this topic to his report. She explained that she had been approached by CoA members Guy Oliva and Beth Williams regarding the old Vanguard Medical building at 16 Lancaster County Road and has had a "for lease" sign up for several months. Guy reached out to the owner further learning the building is available for sale or lease. They believe this option could possibly save the town money while providing the additional space needed. The 20-yr old building is one-story, has a generator, air conditioning, gas, and several handicap accessible bathrooms. It also has a fairly new roof. Guy thought it might be easily converted from doctor offices to a space for COA offices and senior center activities. The location is close to conservation trails, the McCurdy Track and the post office. In addition, the Planning Board's concept for a shared use walkway from Dunkin Donuts to the town line would enable seniors from Bowers Brook to walk to Lancaster County Rd and provide Foxglove residents easier access as well. Wallace wondered how seniors feel about not being in the town center. Williams and Oliva said it is rare for seniors to walk to the Hildreth House. The town procurement officer Marie Sobalvarro reminded the CoA in order for the town to buy or lease property procurement laws need to be followed, which require the first step of issuing a Request for Proposals (RFP) seeking a building to lease or buy in the C District. The RFP should be specific as to needs. Wallace will work with the CoA members on an RFP. In order to proceed with considering this option, funds will be needed to cover schematic design for the building selected through the RFP should be requested at the spring Annual Town Meeting.

By a roll call vote, Minar – aye, Maiore – aye, Sklar – aye, Wallace – aye, von Loesecke – aye, the board voted unanimously for a placeholder warrant article to investigate another building in Harvard for use by the CoA.



## Town Administrator Report continued

Bragan reported on the following items:

- There is a nuisance dog issue on Tahanto Trail that we have been trying to address without the need of a hearing but it seems that we will need to do something more and I am waiting for a report from Mr. Willard on this issue.
- A letter was received from Emily Ferguson requesting an appeal of the decision by the Board regarding her dog "Diesel". Bragan asked the board to review the previous issue and decide at their next meeting if they would consider revisiting.
- The Fire Chief has successfully obtained a grant for a back-up generator for Town Hall. This was originally taken out of the building project and will be a positive addition to the building. Also the Fire Chief and procurement Officer need the Select Board to surplus the tanker truck so we can dispose of it. The truck is a 1989 R Model Mack tanker truck. It holds 3,000 gallons of water, has a 750gpm pump. By a roll call vote, Sklar – aye, Maiore – aye, Minar – aye, Wallace – aye, von Loesecke – aye, the board voted unanimously to surplus the tanker truck.
- The deadline for all financial warrant articles is a week from this Friday, February 12, 2021, per the bylaw. He asked for other items.
- On another Town Meeting note, last year the Board decided to hold two Town Meetings with the one in the spring to be used for financial warrant articles and the one in the fall would be for zoning and bylaw changes. I presume this year will be the same, yes/no? The board confirmed they will continue with a split town meeting however if articles are time sensitive those constraints are flexible.
- Commonwealth Fusion Systems has filed a MEPA application for a site on Devens opposite New England Studios.
- Unfortunately the power transfer for the double pole at the rear of Town Hall did not happen last Friday due to weather and will be rescheduled.
- The University of Massachusetts in Amherst in conjunction with Indiana University is conducting a study that examines the direct and indirect impacts of Covid-19 on households. They have asked communities to post a short survey on their website which we have done.
- The Emergency Rental/Mortgage Assistance Applications are now available on-line.
- The next meeting of the Board we will have further discussion on Cell Tower; Bragan asked if Board members had any additional input prior to the next meeting. Are there things you would like to see or not see. Also, we still have a site off of Stow Road that abuts Rte. 495 (the gravel pit) and Bragan was wondering if the Board would like to have that looked at by Isotope or another cell coverage company. Von Loesecke has spoken with David Maxant from Isotope about a more detailed map of cell coverage. She suggested utilizing funds in the Select Board purchase of services account.

- The Town Clerk has sent an email regarding the upcoming Town election and whether or not the Select Board has decided on a Caucus or Nomination Papers to determine eligibility for the election. Given the state of the pandemic and lack of mass vaccinations Bragan recommended candidates filing Nomination Papers as to opposed holding Caucus. The Board agreed with Nomination Papers.
- A letter was received from the Chair of Conservation Commission regarding the need for a full-time Conservation Agent. This has significant budget implications and staffing issues and needs to be discussed with the Finance Committee before a response or decision is made.
- Cherry Sheet and Budget Update: Per the earlier State Consensus Revenue Forecast the anticipated increase is State Revenue is 3.5% above the FY21 adjusted budget estimates and this is what the Governor added to the Unrestricted General Government Aid (UGGA). For Harvard this increased this aid line by ~\$55,000. The governor also provided full funding for Y1 of the Student Opportunities Act which increased our total by \$27k. Due to other revenue decreases and assessment and charge increases the net impact on Harvard in a loss of ~\$31,000. However we budgeted for a loss of ~\$90,000 which means we are ok right now and this is just the first step of the State budget process. As a reminder we're not using the Governor's Numbers as we've already made that mistake once and the budget process will go on for months.

### **Minutes**

By a roll call vote, Wallace – aye, Sklar – aye, Maiore – aye, von Loesecke – aye, Minar – abstain (not present at the meeting), the board voted unanimously to approve regular and executive session minutes for 1/19, as presented open session.

### **Select Board appointment policy**

Kara Minar suggested removing political merit in second paragraph and Alice von Loesecke suggested removing geographic local in section 5. By a roll call vote, Wallace – aye, Maiore – aye, Minar – aye, Sklar – aye, von Loesecke – aye, the board voted unanimously to adopt policy as amended.

### **Discuss Old Library lease addendum**

Wallace explained the lease should be amended to reflect an extension in lease term due to the forced closure during the Covid-19 pandemic. Town Counsel is reviewing the draft. A final version will be acted on at the next meeting.

### **Update on LED streetlight program**

HEAT member David Fay has been working with Scott Farrar from National Grid on the energy and cost saving program. Fay indicated there are 44 streetlights in town with a few antique lights in Still River. They discussed the brightness of LED lighting and what options the town has. Farrar said the program is very flexible. He did say in the next year or two a warmer LED option will be available. The Select Board members expressed their support for the conversion waiting until the softer version is available. Fay will continue to work with Farrar to determine the best options for Harvard. He will contact the Police Chief for his input on the public safety aspect.

## **Select Board Reports**

Stu Sklar reported Park & Recreation Chair Bob O'Shea proposed a land swap idea to accommodate the need for playing fields. He suggested land near Bare Hill Pond or other Conservation lands. This concept is being fully vetted.

Rich Maiore reported the Bromfield House Committee is currently reviewing the feedback received from their survey requesting ideas from residents on what to do with the house and property. They are planning for a recommendation to the Select Board in early March.

Alice von Loesecke will work on a draft diversity acceptance statement suggested by the local group ARM & ARM for consideration at an upcoming meeting.

The meeting was adjourned at 9:45pm.

### Documents referenced:

BoH presentation – dated 2.2.2021

Appointment policy – dated 2.2.2021

Lease Addendum #5 – dated 2.2.2021

## Town of Harvard

### Process for Disposition of Surplus Property Under \$10,000

Policy: From time to time, the Town of Harvard finds it necessary to dispose of surplus equipment. The following procedure outlines the instructions to be followed in the disposition of individual items with an estimated value of less than \$10,000.

“Surplus” materials included in this procedure are defined as items no longer useful to the governmental body but having resale value.

1. Equipment shall be declared surplus by the department head. No tangible property owned by the Town of Harvard, whether the same be controlled by any department, board, or otherwise shall be sold, or otherwise disposed of, except upon the written recommendation of the Department Head having charge of matters concerning such department, board or otherwise, and with the written consent of the Select Board.
2. The list of surplus equipment shall be offered to town departments first.
3. Advertise one time on the Town of Harvard's website the availability of surplus property and directions to the appropriate auction site.
4. An online auction site shall be used for the auction such as Munibid, or Govdeals.com.
5. Dispose of the equipment to the highest responsive bidder.
6. If there is no bid received on any one of the items listed as surplus, the items may be donated to charity as determined by the Town Administrator.
7. The Town reserves the right to accept or reject any or all bids. All sales shall be made on an “as is” basis and to be picked up by the buyer. All property sold shall be paid for by Cashier’s Check, Certified Check, or Money Order payable to the Town of Harvard. The Town will furnish the successful bidder a completely executed form which will detail the description of the material covered, the price bid and terms of sale. Purchaser must indicate agreement by signing and returning the agreement to the Town Administrator.

Per the Inspector General’s Office-This does not apply to MGL Chapter 94C Section 47A  
Seized controlled substances and narcotic drugs.

Policy may be amended by the Select Board and approved with a majority vote.

# Town of Harvard Purchasing & Procurement Overview

Rev'd 11/1/19

*Fair, robust competition for larger procurements saves money and promotes integrity and public confidence in government.*

**-- Chapter 30B Manual: Procuring Supplies, Services, & Real Property**

Questions: Marie Sobalvarro [msobalvarro@Harvard.ma.us](mailto:msobalvarro@Harvard.ma.us) 978-456-4100 x330

# Purchasing, generally

- 80% of purchases are <5k → Sound business practices

Ideally obtaining quotes for higher-dollar items, comparing price, quality, delivery, and total time/involvement in process.

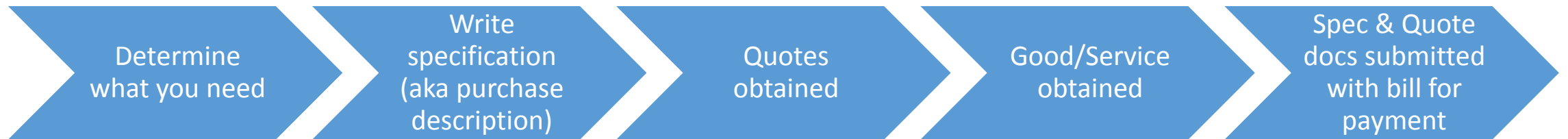
- 15% of purchases are 5k-50k → Quotes from 3 vendors

**Written** specification, either sent or orally conveyed. Submit **written** summary, vendors solicited, and results with request for payment.

- 5% of purchases are 50k+ → Competitive sealed bids

The Ch 30B approach, awarded to lowest responsive and responsible bidder. This goes through the procurement office.

# Simplified Process: 5k-50k



Writing purchase description is the trickiest step. Remember to state quantities, delivery terms.

Things to remember:

- Advance payment/pre-payment (prior to receipt of good/service) **is not allowed**.
- Contracts > 10k must be maintained on file for 6 years. Send a copy to Lori Bolasevich (lbolasevich@harvard.ma.us)

# Buy the time I get to Phoenix...

Two sets of rules apply to the Town's procurements:

- (1) legal requirements, i.e., those based on state or federal statute or regulation; and
- (2) our own requirements, i.e., those that are based on Town policy.



# State Contact Vendors (& Purchasing Collaboratives)

- State contracts can save time and money, and expand search into pre-qualified vendors offering fixed discounts.
- Locate the good/service sought, and then review state contract user guide (<http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/buy-from-a-state-contract/statewide-contract-user-guides.html>)
- Indicate on payment warrant the state contract number, and the vendor's state contract ID.

# IFB (Invitation For Bid)

- Not just 'looking for the lowest price,' but the vendor offering the best value as determine by the quality requirements set by the buyer.
- Standard forms, publication/advertising deadlines set by the Commonwealth.
- Rule for award defined by the buyer.

# RFP (Request for Proposals)

- Used when you want to weigh the merits of proposals submitted, taking into account factors other than price.
- Requires extensive documentation, ranging from RFP decision to defining and assigning points to each evaluation criteria.
- Rule for award defined by the buyer.

# Town Parameters: From the Finance Dept

The purpose of this memo is to summarize procurement and bid requirements for goods and services. When submitting bills, please verify that your department has complied with procurement requirements. **A summary of your department's price solicitation should be attached to the relevant bill, in most cases.** Some circumstances are self-evident and do not require documentation, such as utility bills, town-wide bids (heating oil, for example), or annual bids (gasoline, road salt) except for the first bill of the year.

State law is very specific concerning the amounts and types of purchases that must be competitively bid. This applies to total amounts purchased over the fiscal year, not just each invoice. The following is a summary of procurement law, based on the total annual amount of goods/services purchased.

**Under \$5,000 – Sound business practice.** This allows flexibility in the number of quotes you obtain and how they are evaluated. Factors such as price, quality, speed of delivery, and the amount of time it takes to solicit proposals should be considered. **No solicitation notation is required on submitted bills.**

**\$5,000 to \$50,000 –** Obtain quotes from at least three vendors. The quotes should be based on a clear, written description of the product or service. You may ask the low bidder to reduce their initial quoted price. In situations where provided quotes offer slightly different products (a longer warranty period, more computer memory, or larger engine), these factors may be considered in obtaining the best value for your department. **A written, single-page summary of your solicitation results should be attached to the bill when submitted for payment showing that you chose the lowest, responsible price.**

**\$50,000 or more –** Competitive, advertised, sealed bids are required. This process awards bids to the lowest responsive and responsible (qualified) bidder. **You must work with the Procurement Officer on this because a bid solicitation packet must be prepared and formal bids must be submitted.** A single-page summary of your bid results should be attached to the bill when submitted for payment. If multiple payments are made, the attachment should accompany the first bill only.

Exceptions to bid/quote requirements: procurement which is bid townwide on an annual basis such as heating oil and gasoline; and certain services specifically exempted by Chapter 30B, such as textbooks and legal services, sole source suppliers and items purchased through state bid list. If you have procurement questions please contact Marie Sobalvarro at Town Hall ([msobalvarro@harvard.ma.us](mailto:msobalvarro@harvard.ma.us) or 978-456-4100 x330)

# State Parameters

- See attached documents

**M.G.L. c. 149 – BUILDING CONSTRUCTION CONTRACTS**

| Estimated Contract Amount              | Under \$10,000  | \$10,000 to \$50,000   | Over \$50,000 to \$150,000   | Over \$150,000   | Over \$10,000,000   |
|--|---|--|--|--|---|
| <b>Procurement Procedure</b>           | Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>1</sup> | Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.   | Sealed bids (using M.G.L. c. 30, § 39M).   | Sealed bids (using M.G.L. c. 149, §§ 44A – 44J).   | Solicit statements of qualifications prior to soliciting sealed bids (using M.G.L. c. 149, §§ 44A – 44J).   |
| <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>2</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>3</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>4</sup> | Advertise the request for qualifications at least two weeks before responses are due (1) in a newspaper; (2) in the <i>Central Register</i> ; and (3) on COMMBUYS. <sup>5</sup> |
| <b>DCAMM Certification</b>             | No.   | No.  | No.  | Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.   | Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.  |
| <b>OSHA Training</b>                   | No.   | Yes.   | Yes.   | Yes.   | Yes.  |
| <b>Prequalification</b>                | No.   | No.  | No.  | Optional. <sup>6</sup>   | Yes.  |
| <b>Filed Sub-bids</b>                  | No.   | No.  | No.  | Yes, if more than \$25,000.  | Yes, if more than \$25,000.   |
| <b>Bid Deposit</b>                     | No.   | No.  | 5% of the value of the total bid.  | 5% of the value of the total bid or sub-bid.   | 5% of the value of the total bid or sub-bid.  |
| <b>Payment Bond</b>                    | No.   | 50% payment bond if contract is >\$25,000. <sup>7</sup>  | 50% payment bond.  | 100% payment bond.   | 100% payment bond.  |
| <b>Performance Bond</b>                | No.   | No.  | No.  | 100% performance bond.   | 100% performance bond.  |
| <b>Prevailing Wage</b>                 | Yes.  | Yes.   | Yes.   | Yes.   | Yes.  |
| <b>Contractor Evaluation</b>           | No.   | No.  | No.  | Yes.   | Yes.  |
| <b>OSD or Blanket Contract Option</b>  | Yes.  | Yes.   | No.  | No.  | No.   |

<sup>1</sup> M.G.L. c. 149, § 44A(2)(A), 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>2</sup> M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general contractors and subcontractors that have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid, to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$150,000 apply.

<sup>6</sup> If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the “Over \$10,000,000” column. (Note: The prequalification threshold was not raised in 2016.)

<sup>7</sup> M.G.L. c. 149, § 29.

## 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 <sup>1</sup>   | M.G.L. c. 30, § 39M  |
| <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.

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – CONSTRUCTION MATERIALS PROCUREMENTS  
(WITHOUT LABOR)**

| Estimated Contract Amount              | Under \$10,000  | \$10,000 to \$50,000   | Over \$50,000  | Any Amount   |
|--|---|--|--|--|
|  | M.G.L. c. 30, § 39M   | M.G.L. c. 30, § 39M  | M.G.L. c. 30, § 39M  | M.G.L. c. 30B, § 5 Option <sup>1</sup>   |
| <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.   | 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>3</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>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> |
| <b>OSHA Training</b>                   | No.   | No.  | No.  | No.  |
| <b>Prequalification</b>                | No.   | No.  | No.  | No.  |
| <b>Bid Deposit</b>                     | No.   | No.  | 5% of the value of the total bid.  | No.  |
| <b>Payment Bond</b>                    | No.   | 50% payment bond if contract is more than \$25,000. <sup>6</sup>   | 50% payment bond.  | 50% payment bond if contract is more than \$25,000. <sup>7</sup>   |
| <b>Performance Bond</b>                | No.   | No.  | No.  | No.  |
| <b>Prevailing Wage</b>                 | No.   | No.  | No.  | No.  |
| <b>OSD Option</b>                      | Yes.  | Yes.   | Yes.   | No.  |
| <b>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. 149, § 44J.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A. (Note: If the procurement will exceed \$100,000, and the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, at least two weeks before bids or proposals are due, publish in the *Goods and Services Bulletin*.)

<sup>6</sup> M.G.L. c. 149, § 29.

<sup>7</sup> M.G.L. c. 149, § 29. (Note: If the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, you do not need to obtain a payment bond.)



**M.G.L. c. 7C, §§ 44-58 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS:  
Cities, Towns, Regional School Districts and Horace Mann Charter Schools<sup>1</sup>**

| <b>Estimated Design Fee (EDF)/Estimated Construction Cost (ECC)</b>       | <b>EDF less than \$30,000 or ECC less than \$300,000</b>                            | <b>EDF \$30,000 or more and ECC \$300,000 or more</b>   |
|---|---|---|
| <b>Procurement Procedure</b>  | None. Recommend soliciting qualifications and prices from at least three designers. | Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit. |
| <b>Advertising Required</b>   | No.   | Advertise in the <i>Central Register</i> <b>and</b> your local newspaper at least two weeks before the deadline for filing applications.  |
| <b>Designer Selection Board<sup>1</sup></b>                               | No.   | No – adopt selection procedure in writing. <sup>2,3</sup>   |
| <b>Designer Application</b>   | No.   | Yes. See <a href="#">Designer Selection Procedures for Municipalities</a> . Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)” |
| <b>Designer Evaluation (Submit to DCAMM and Designer Selection Board)</b> | No.   | Yes. See <a href="#">Designer Evaluation Forms &amp; Information for Municipalities and Agencies</a>  |
| <b>Registration</b>   | Yes.  | Yes.  |
| <b>Insurance</b>  | No.   | At a minimum, the lesser of \$1 million or 10% of the project’s estimated cost of construction. <sup>4</sup>  |
| <b>Prevailing Wage</b>  | No.   | No.   |

<sup>1</sup> Executive Departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more.

<sup>2</sup> Cities, towns, school districts and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44 – 58, and noted herein. See this Office’s [Model Designer Selection Procedures for Municipalities and Other Local Public Agencies](#).

<sup>3</sup> Housing Authorities must follow the procedures established by the Department of Housing and Community Development for the design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

<sup>4</sup> M.G.L. c. 7C, § 51.

## M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

| Estimated Contract Amount                    | Under \$10,000                                       | \$10,000 to \$50,000  | Over \$50,000  |
|--|--|---|--|
| <b>Procurement Procedure</b>                 | Sound business practices. <sup>1</sup>               | Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service. <sup>2</sup> | Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).   |
| <b>Notice/Advertising Requirements</b>       | None.  | None.   | Post a notice 1) in your jurisdiction’s office, and, at least two weeks before bids or proposals are due, publish 2) in a newspaper, and 3) on COMMBUYS.<br><br>If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> . |
| <b>Award contract to:</b>                    | Responsible person offering the best price.          | Responsible person offering the needed quality of supply or service at the lowest price quotation.  | Under § 5, the responsible <sup>3</sup> and responsive <sup>4</sup> bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.  |
| <b>Written Contract Required<sup>5</sup></b> | No. Keep written records as a best practice.         | Yes.  | Yes.   |
| <b>Maximum Contract Term<sup>6</sup></b>     | Three years, unless majority vote authorizes longer. |   |  |
| <b>OSD Option</b>                            | Yes.   |   |  |

<sup>1</sup> 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>2</sup> M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as “a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.”

<sup>4</sup> M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.”

<sup>5</sup> M.G.L. c. 30B, § 17(a), states “All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.”

<sup>6</sup> M.G.L. c. 30B, § 12(b), states “Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”