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
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2).[1]	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).
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 *Central Register*; and 4) in a conspicuous place near your office.[2]	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 *Central Register*; 3) in a newspaper; and 4) on COMMBUYS.[3]	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 *Central Register*; 3) in a newspaper; and 4) on COMMBUYS.[4]	Advertise the request for qualifications at least two weeks before responses are due (1) in a newspaper; (2) in the *Central Register*; and (3) on COMMBUYS.[5]
DCAMM Certification	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.
OSHA Training	No.	Yes.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Optional.[6]	Yes.
Filed Sub-bids	No.	No.	No.	Yes, if more than $25,000.	Yes, if more than $25,000.
Bid Deposit	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.
Payment Bond	No.	50% payment bond if contract is >$25,000.[7]	50% payment bond.	100% payment bond.	100% payment bond.
Performance Bond	No.	No.	No.	100% performance bond.	100% performance bond.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.	Yes.
Contractor Evaluation	No.	No.	No.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.	No.

[1] 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."

[2] M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

[3] M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

[4] M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

[5] 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.

[6] 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.)

[7] M.G.L. c. 149, § 29.