

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 three 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 (1) on your jurisdiction's website; (2) on COMMBUYS; (3) in the <i>Central Register</i> ; and (4) in a conspicuous place near your office. ²	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and, at least one week before bids are due, post a notice (4) in your jurisdiction's office. ³	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and, at least one week before responses are due (1) in a newspaper; (2) in the <i>Central Register</i> ; and (3) on COMMBUYS. ⁵	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. 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 more than \$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 2016 Mass. Acts c. 218, 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 2016 Mass. Acts c. 218.

³ M.G.L. c. 149, § 44J, as amended by 2016 Mass. Acts c. 218.

⁴ *Id.*

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 prepaid, to all prequalified general contractors 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 contractors 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.