

Memorandum



To: Devens Enterprise Commission Staff
From: Neil Angus, Director
Date: January 31, 2025
Sub: **Procurement Procedures**

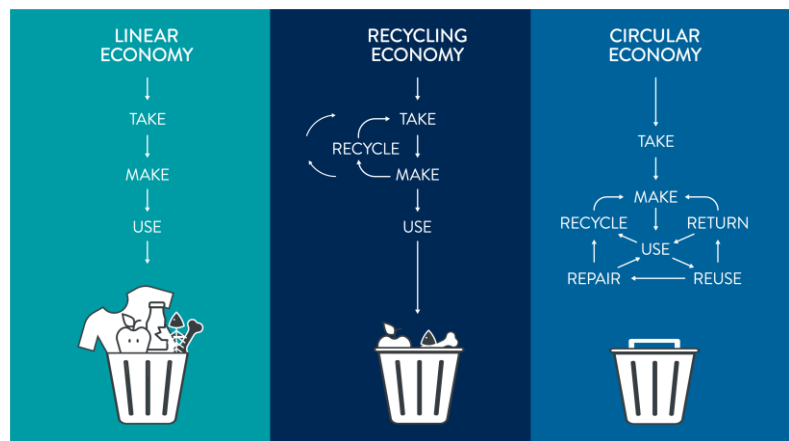
At our January 28, 2025 regular meeting, the Devens Enterprise Commission (DEC) approved an updated Procurement Policy. The purpose of these updates was to broaden our sustainable purchasing efforts. Changes include:

Reuse: Before making any purchases from other vendors, DEC Staff will review the inventory at the Devens Eco-Efficiency Center’s The Great Exchange (preferred vendor) to determine if a similar product/material is available. Doing so supports the DEC’s triple bottom-line priorities of reuse, redirecting waste streams, reducing waste, lowering embodied and operational carbon, supporting the Center, and saving money (and it is close by – reducing our operational carbon footprint!).

Reducing Toxicity of Materials: Staff shall review any available [Environmental Product Declarations \(EPD’s\)](#) and [Health Product Declarations \(HPD’s\)](#) for any products/materials being purchased and avoid any “[Red List](#)” chemical where feasible.

Reducing Embodied Carbon: With the passage of our Embodied Carbon Reduction Guidelines, DEC staff should select products and materials with a lower carbon footprint to reduce our environmental impact and further promote the sustainable redevelopment of Devens: [Devens Embodied Carbon Reduction Guidelines and Checklist](#).

In addition to these updates, the state has updated their Environmentally Preferred Purchasing Guide with many great resources for us to use and reference when procuring goods and services. This guide has been included as an additional procurement resource. All of these amendments to our Policy will help us transition to a circular economy.



Please be reminded that the procurement procedures described in the attached document should be adhered to.

Reuse and Recycled content, along with reduced carbon footprint and toxicity, is an important part of our procurement process as it creates healthier work environments and markets for materials manufactured, used, and collected throughout Devens. Energy efficiency, waste diversion and prevention help reduce our carbon footprint and meet our Devens Forward Climate Action Plan goals, while continuing to lead by example.

**DEVENS ENTERPRISE COMMISSION
PROCUREMENT POLICY PROCEDURES
Adopted: January 28, 2025**

1.0 Purposes

The purposes of the Devens Enterprise Commission (the Commission) procurement procedures are as follows:

- (1) To ensure that the Commission obtains high quality goods and services at competitive prices appropriate to its needs;
- (2) To provide sufficient financial and management controls to ensure that procurement is consistent with the Commission's budgetary restrictions and financial constraints;
- (3) To provide a system that ensures compliance with applicable laws, regulations, grant agreements, and policies governing procurement by the Commission;
- (4) To provide guidance and administrative support to all staff so that procurement decisions can be made efficiently by staff; and
- (5) To provide a fair and open opportunity for qualified vendors to compete to provide goods and services to the Commission.

2.0 General Principles

A centralized procurement administrations system is necessary to provide administrative support and guidance to project managers and to ensure that procurement procedures are consistently applied and financial controls maintained.

Procurements will be standardized to the extent feasible in order to promote the development of clear scopes of contract services and to minimize the need for extended contract negotiations after selection has been made. Whenever feasible, requests for proposals shall include the standard contract provisions which will apply to the goods or services to be provided.

The Commission procurement system is intended to support timely and effective decision making by staff. Primary responsibility for most procurement decisions should be vested with the employee who has the operating or project management responsibility for the activity to which the procurement is related.

Procurement decisions with a significant impact on Commission operations or finances will be subject to review by the Chairman of the Commission, or if he or she is not available for timely review, the Vice Chairman or the Treasurer.

Procurement decisions with a major strategic or policy impact on the Commission's operations will be subject to review by the Commission.

Regular reporting of the results of the Commission's procurement activities will be made to the Commission. Except where these procurement procedures otherwise permit, goods should not be ordered and services should not commence prior to the Commission's written

acceptance of the vendor's proposal, provided that payment for goods or services should not take place until the execution of a contract.

The Commission will undertake affirmative efforts to make contracting opportunities available to minority owned firms, women owned firms, and local firms in the Devens Region.

3.0 Authorization

General expenditures for goods and services are authorized by the Commission through the approval of a fiscal year budget and any amendments thereto. Additional expenditures may be authorized by the Commission through the approval of specific projects or grant, preceded by a conceptual written summary of the proposed expenditure. Procurement of goods and services can only occur when funding for the goods or services has been authorized under a line item or project authorization approved by Commission.

Prior to the procurement of any goods and services, the staff must receive written authorization to proceed with procurement from the Land Use Administrator (for procurements under \$3,000), from the Treasurer of the Commission (for procurements from \$3,000 to \$25,000), and from the Commission (for procurements over \$25,000) to ensure that proper budget authority exists for the purchase.

All contracts for goods and services over \$3,000 must be signed by the Land Use Administrator and the Chairman, Vice Chairman or Treasurer of the Commission.

4.0 General Procurement Procedures for Goods and Services

4.1 Procurement of Goods

- (1) For procurements of goods estimated to cost less than \$1,000, the following procedures will apply:
 - The Commission staff, through the Land Use Administrator, will exercise sound business practices which may provide for the solicitation of three proposals or fewer than three proposals when the project manager determines that the time required for delivery and the type of goods required do not justify a more extended procurement effort.
- (2) For procurements of goods estimated to cost between \$1,000 and \$10,000, the following procedures will apply:
 - The Commission will undertake reasonable efforts to solicit at least three written quotations from qualified contractors, all of which should be based on uniform descriptive guidance as to what goods are sought.
- (3) For procurements of goods estimated to cost in excess of \$10,000, the following additional procedures will apply:
 - Written description of goods required.

- Advertising in the Secretary of State's Goods and Services Bulletin, if appropriate. Advertising in the Goods and Services bulletin is mandatory for solicitations over \$50,000.
 - Advertising in local and (Devens) regional newspapers of record
 - Advertising in specialized trade publications if appropriate
 - Receipt of sealed bids
 - Acceptance of lowest bid meeting the specification requirements submitted by a qualified bidder.
- (4) Specifications for all goods shall be written. Vendors should be given the opportunity to submit goods that are "equal" in quality and performance to those specified.
- (5) Energy efficient operations, toxic use reductions, waste diversion, prevention, reuse, and recycling shall be part of all daily operations. In recognition of the need to make more efficient use of our natural resources, create markets for the materials collected in reuse and recycling programs, reduce energy consumption as well as solid waste volume and disposal costs, and serve as a model for private and public institutions, the Devens Enterprise Commission is committed to the following Environmentally Preferred Purchasing (EPP) best management practices when conducting any office remodeling/repair or purchasing office supplies, products, carpet and furniture, equipment, and cleaning supplies whenever such products/materials meet quality requirements and are available at reasonable prices and terms:
- a) For all purchases of printing and writing paper for in-house use or custom printed materials by professional printers, including copier paper, offset paper, forms, stationary, envelopes, tablets, notepads, and file folders, the minimum content standards shall be no less than 30% post-consumer recycled materials to meet the current state and federal minimum standards. Printer and writing paper must follow GS-07 Green Seal Standards or an approved alternative.
 - b) Photo copiers and printers must have a duplex capability. Additional paperwork reduction techniques include digital media, sharing and circulating materials, use of electronic mail, paperless memos and permitting, and reuse of discarded paper for draft work, scrap paper and internal messages.
 - c) Prior to purchasing any new materials or equipment, the DEC shall review the inventory at the Devens Eco-Efficiency Center's "The Great Exchange" (preferred vendor) to determine if a similar product/material is available.
 - d) Any new or re-manufactured electronic office equipment must be US EPA Energy Star compliant. The energy saving feature in any Energy Star product such as computers, monitors and printers, must be activated when equipment is on/in use.
 - e) Establish a more energy efficient lighting system through the use of efficient lighting on new and replaced lighting fixtures. Improve daylighting where feasible and reduce unnecessary lighting whenever possible, to reduce costs and environmental impact, while maintaining safe levels of illumination

throughout the office space. Incorporate more efficient lighting sources such as Light Emitting Diodes (LEDs) and Organic Light Emitting Diodes (OLEDs) Fixtures/Lumens. Refer to [US](#) Department of Energy Lighting Design for additional guidance: <https://www.energy.gov/energysaver/lighting-design>;

- f) All paints, coatings, stains and sealers purchased for remodeling, repair and renovation projects must follow Green Seal Standards GS-11 <https://greenseal.org/standards/gs-11-paints-coatings-stains-and-sealers/> or an approved alternative. Paints and adhesives must contain zero to low
- g) New carpets and office furniture must contain no less than 10% post-consumer recycled content.
- h) All janitorial or office used cleaning and disinfecting products must be biodegradable, nontoxic and meet Green Seal Standards GS- 37 <http://www.greenseal.org/GreenBusiness/Standards.aspx?vid=ViewStandardDetail&cid=0&sid=23>.
- i) All laser printer toner and ink-jet cartridge purchases will consist of remanufactured or refillable cartridges and ink, all ink must be environmentally friendly and is manufactured by renewable resources and is biodegradable.
- j) The DEC shall ensure that all contracts for printing require the inclusion of an imprint identifying the recycled content of the paper whenever practicable, along with the recycling symbol.
- k) The DEC shall make every effort to purchase lower embodied carbon products and materials in conformance with the Devens Embodied Carbon Reduction Guidelines.
- l) The DEC shall make every effort to avoid purchasing materials and products that contain “Red List” chemicals as identified by the Living Future Institute: <https://living-future.org/red-list/> . When available, the DEC should review [Environmental Product Declarations \(EPD's\)](#) and [Health Product Declarations \(HPD's\)](#) for any products/materials being purchased to help reduce potential human health and environmental harm.
- m) For the purpose of measuring progress of the program and success in meeting the waste reduction and recycling goals of the Commonwealth, the DEC Director will report purchases of recycled products to the full Commission annually for the previous calendar year.

To view a list of other acceptable EPP products, the DEC may consult the Commonwealth of Massachusetts Environmentally Preferable Products (EPP) and Services Guide: <https://www.mass.gov/handbook/environmentally-preferable-products-epp-and-services-guide> . This Guide will assist the DEC in identifying and procuring more sustainable and climate preferable products and services. Any deviation from this Guide or standards under Section 5 above, must be approved by the DEC Director. ,

The DEC shall require its contractors and consultants to use and specify reuse and/or recycled products, in addition to lower embodied carbon options in fulfilling contractual obligations whenever practicable.

4.2 Procurement of Services

When the Commission determines that services required may be procured on a competitive

bid basis, the Commission will follow the procedures in Section 4.1 for procurement of goods.

When the Commission determines that a procurement of services should be based on a comparative review of the qualifications and services offered by proposers, the Commission will use a Request for Proposals method of procurement.

When a request for proposals method is to be utilized, the following procedures will apply:

- The project manager will develop the scope of services and qualifications required.
 - The project manager will develop written criteria which shall be used to evaluate the proposals.
 - For larger complex procurements, a selection committee made up of the project manager and other Commission members or employees may be established.
- (1) For services estimated to cost less than \$3,000, the Commission will follow sound business practices, as described under the procedures for the procurement of goods estimated to cost less than \$1,000.
 - (2) For the procurement of services estimated to cost less than \$25,000, the Commission will undertake reasonable efforts to solicit at least three written proposals from qualified contractors.
 - (3) For services estimated to cost between \$25,000 and \$50,000, the following procedures will apply:
 - Preparation of a detailed request for proposals.
 - Establishment of written selection criteria.
 - Advertisement in the Secretary of State's Goods and Services Bulletin and trade periodicals, if appropriate.
 - Award shall be based on the proposal which is in the overall best interest of the Commission considering the relevant selection criteria, including price. Proposals need not be submitted in a standardized format to be considered acceptable, at the discretion of the project manager.
 - (4) For services estimated to be in excess of \$50,000, the following procedures shall apply:
 - Preparation of a detailed request for proposals,
 - The Commission will establish a written evaluation procedure and selection criteria for the proposal, prior to opening proposals.
 - Advertisement of the procurement in the Secretary of State's Goods and Services Bulletin, one or more regional daily newspapers with circulation in the Devens region, the local weekly newspapers covering the Towns of Ayer,

Harvard, Lancaster and Shirley, and relevant trade journals (where appropriate), for at least two weeks prior to the date set for the receipt of proposals.

- Proposals need not be submitted in a standardized format to be considered acceptable, at the discretion of the project manager.
- The Commission will select the proposal that is in the overall best interests of the Commission, considering all relevant criteria, including price.

In preparing any Requests for Proposal, the DEC may consult and reference the Commonwealth of Massachusetts Environmentally Preferable Products and Services Guide, as amended/updated: <https://www.mass.gov/handbook/environmentally-preferable-products-epp-and-services-guide>

4.3 On Call Services

It is recognized that certain types of similar services may be required intermittently, where the ultimate quantity cannot be immediately known, and specific tasks are appropriately ordered on an on-call basis. In such instances, the Commission will procure these services from qualified vendors on a unit cost basis. Prior to requesting proposals for these services, the Land User Administrator will develop an estimate of expenditures for the specific services projected to be needed during one year and incorporate this as a line item in the Commission's annual budget, which will be subject to the Commission's approval. The services will then be solicited and procured based on qualifications and unit prices of responsive, qualified vendors. Each contract so secured, shall be limited to one year, on-call services not-to-exceed the dollar value approved by the Commission through its annual budget review. The total dollar value of services projected annually shall be the basis for determining the level of review and approval of each Request for Proposals and ultimate contract, applying the thresholds and related procedures identified in Section 4.2. The Commission may extend on-call service contracts beyond one year if the vendor remains qualified and the Commission is satisfied with their services.

Where the need for certain types of services could not be anticipated and included in the annual budget, the Land Use Administrator or designated staff project manager must scope and estimate the not-to-exceed cost of the services and receive approval for soliciting and contracting the necessary, on-call services applying the thresholds and procedures identified in Section 4.2. When work has been initiated and it is determined that the cost for the service will exceed its original estimate, the Land User Administrator will proceed to initiate any appropriate measures prescribed in Section 4.2, prior to employing further such services by the vendor(s).

Once on-call vendors have been selected and contracted, individual task orders shall be scoped by the Land Use Administrator or designated staff project manager, and task orders shall be negotiated with the Contractor and approved by the Land User Administrator or designated staff project manager prior to initiating work.

4.4 Appeal

Any applicant may make an administrative appeal from the selection of the outside consultant to the DEC, providing that such appeal is made within 14 days of notification of the DEC's appointment of the consultant. The grounds for such an appeal shall be limited to

claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications as may be set by the DEC. The minimum qualifications shall consist either of a four-year college level educational degree in, or one related to, the field of knowledge at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the DEC shall be extended by the duration of the administrative appeal. In the event that no decision is made by the DEC within one month following the filing of the appeal, the selection made by the DEC shall stand. (Added by vote of the Commission 3/9/00)

5.0 General Provisions Applicable to Goods and Services Procurements

The Chairman of the Commission is authorized to waive or modify the procurement procedures whenever health, safety, or severe time constraints justify such waiver or modification.

The Commission may expand the scope of services required, or continue a vendor or consultant's services, provided the contract increase related to such expansion or continuation does not exceed 50% of the original contract amount, or up to a maximum of \$25,000, whichever is lesser.

6.0 Design and Construction Services

If or when the Commission intends to directly undertake the obligation to contract for services involving the procurement of design services related to a public building project or to procure construction services for a public works or public construction contract, the Commission shall procure those services in accordance with applicable statutes.

final 8/23/95 (procur.doc)
amended 5/18/99 [Section 4.2 (5)]
amended 3/9/00 [Section 4.4]
amended 7/24/17 [Section 4.1(5)]
amended 1/28/25 [Section 4.1(5), 4.2, and 4.3]