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June 30, 2026

Andy Paquette
Business Manager
Greenfield Public Schools
195 Federal St. Suite 100
Greenfield, MA 01301

RE: Chapter 30B Procurement Process

Dear Mr. Paquette:

I am writing this legal opinion at your request regarding the procurement process for supplies or services by a municipal school district when the estimated contract value is between \$10,000 and \$100,000.

Massachusetts General Laws Chapter 30B, § 4, governs procurements within this dollar range. In relevant part, the statute provides that the procurement officer must document:

(i) names and addresses of all person from whom quotations were sought; (ii) purchase description used for the procurement; (iii) names of the persons submitting quotations; and (iv) date and amount of each quotation. Such information shall be retained in the file required pursuant to section 3. . .

(b) The procurement officer shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation.

The Chapter 30B Manual details a multistep process for soliciting written quotes from at least three (3) vendors who provide the item or service.

First, the procurement officer must prepare a written purchase description that adequately describes the supplies or services being procured. The same purchase description must be provided to each vendor so that all quotations are based on identical specifications.

Next, if the contract term exceeds one year, the procurement officer must establish the rule for award before soliciting quotations. Although not required for contracts of one year or less, the Manual recommends establishing the rule for award in all procurements to promote fairness and transparency. For example:

"The contract will be awarded to the responsible vendor offering 500 reams of 20 lb. bright white, 8½ x 11 copy paper, delivered to Town Hall on January 2, at the lowest price."

The procurement officer must then make a reasonable effort to solicit written quotations from at least three (3) vendors. The Manual advises against soliciting quotations from vendors reasonably believed to be non-responsible—that is, vendors lacking the capability, integrity, or reliability to perform the contract in good faith. Likewise, quotations need not be solicited from vendors who have requested not to receive solicitations or who have consistently failed to respond to previous requests for quotations.

The statute requires documentation outlining the following information relating to solicited quotes:

- the names and addresses of all persons contacted for written quotes;
- the written purchase description used for the procurement;
- names of all persons who submitted written quotes; and
- the date and amount of each written quote.

The manual does note that while the school is required to seek at least three written quotes, it is not required to have received three written quotes. The governing standard is that the procurement officer made a reasonable effort to obtain the required quotes. If three quotes are not obtained, broadening the search and contacting a few more vendors is recommended but not required.

After completing the solicitation process, the contract must be awarded to the responsible vendor offering the required quality of supplies or services at the lowest price. The procurement officer may negotiate a lower price with the selected vendor, provided that there are no changes to the quality of the supplies or services or to the scope of work.

The Manual also recommends that awarding authorities adopt a tie-breaker policy, approved by the governing body, to address situations in which two or more responsible vendors submit identical low quotations.

If the District determines that cancellation of the solicitation is in its best interest, it may cancel the procurement. In that event, the procurement officer should prepare a written statement explaining the reasons for the cancellation. That statement becomes a public

record and must be retained in the procurement file. Vendors that submitted quotations should also be notified that the solicitation has been cancelled.

Finally, the statute requires appropriate retention of records. All contracts of \$10,000 or more must be in writing, and all written documents required under 30B must be maintained for six (6) years from the date of the final payment under the contract. The records must include all the information outlined above as well as the date and amount of each written quote received and the executed contract with any contract amendments.

It is my understanding that the School is working to develop a standard form for requesting written quotes that memorializes the required information. Having that standard form will assist in assuring complete compliance moving forward.

Please feel free to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Roche', written over a horizontal line.

Kimberly Roche