



## OIG Identifies Ways to Combat Rising Special Education Transportation Costs



“Throughout our work, we have been keenly aware that behind the numbers, laws, and regulations are families who depend on these services to give their children access to educational resources.”

-IG Jeffrey S. Shapiro

The rising costs of school transportation continue to pose a challenge for Massachusetts school districts. Special education transportation costs have increased sharply in recent years, especially for out-of-district placements that can require a district to transport individual students for long distances.

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## ‘CM at-Risk’ Delivery Method Can Offer Benefits

One of the more unique statutory mandates of the OIG is to review, with the goal of approving, the use of procurement options by public entities for public building projects costing \$5 million or more. In this issue, we describe the “construction management at-risk” or “CM at-risk” delivery method.

In the CM at-risk delivery method, after a competitive process an awarding authority hires the construction manager or general contractor in the early design phase of a building project based on qualifications and fees. This differs from a traditional design-bid-build method where the awarding authority hires a designer to fully design a project and later in the process hires a contractor to build it.

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Williamstown Fire Chief Jeffrey Dias, Williamstown Town Administrator Robert Menicocci, and IG Shapiro visited the new Williamstown Fire Station on October 30, 2025. The station was constructed using the CM at-risk delivery method.

## A Word from Inspector General Jeffrey S. Shapiro

# Public Boards Ensure Transparency and Accountability



Good day.

Many aspects of state and municipal government involve, to some degree or another, a public board or commission that plays an advisory or oversight role. Think school committees, conservation boards, boards of trustees, housing authority boards, and municipal select boards. This governance structure affords the public with a mechanism to ensure transparency and accountability, assuming the board or commission functions properly. Members of public boards can be elected or appointed, and many are volunteers or only receive a small stipend. In every case, these individuals provide a valuable service to their community and, in agreeing to serve, assume specific responsibilities and duties as board members.

Unfortunately, the OIG has investigated a variety of instances in which public boards or commissions failed to exercise their fiduciary duties and other oversight responsibilities, resulting in fraud, waste, or abuse of public resources. One such instance is our recent investigation into the Steamship Authority's website development project (see page 10). The OIG found a glaring deficiency in the Board's failure to exercise meaningful oversight of the Authority's spending throughout the project. Board members either did not understand or did not execute their oversight function, resulting in a waste of millions of public dollars.

Another example is the OIG's recently completed investigation into the Brockton Public School district's \$18 million budget deficit, which was detailed in the [December issue of the OIG Bulletin](#). Again, while many players were responsible for the unprecedented budget gap, our investigation found that the school committee rarely discussed, much less attempted to meaningfully address, the mounting deficit. That was true even though committee members received monthly budget reports containing information showing that many expense line items were exceeding projections. Even if committee members lacked a keen understanding of finance and budgets, the mounting deficit was so significant that they should have appreciated the urgency of the situation.

Some of our investigations have found that outcomes could have been different if even one person had asked a question, held leadership accountable, or voted differently somewhere along the way. Indeed, the role of a public board member is powerful. For that reason, we encourage all public board or commission members to fully understand their responsibilities.

I invite current and prospective board members to review our guidebook, [How to be an Effective Member of a Public Board or Commission](#), which includes case studies based on past OIG investigations. The OIG Academy also offers an informative webinar by that name.

Last month, I reached a milestone in visiting the 100th community on my municipal listening tour (see page 12). I was feeling a great sense of accomplishment until I met with Newton residents Jo Gray and Jenny McBride, who have visited all of the Commonwealth's 351 cities and towns. We shared stories of

our visits over coffee. Though our tours have very different objectives, we agreed that the Commonwealth has much to offer. I continue to be impressed with the hard work and dedication of those working on the front lines of government in city and town halls. I look forward to visiting the next 251 municipalities.

As your Inspector General, I am constantly looking for ways that the OIG can be a resource and offer support to public officials. Together, we can make government work better tomorrow than it worked today.

Best,



Jeffrey S. Shapiro, Esq., CIG

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## Protect Your Community

If you suspect fraud, waste, or abuse of public funds, you can confidentially report your concerns.



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**Chapter 30B?**



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IG Shapiro with recently sworn-in Everett Mayor Robert Van Campen.

*“Mayor Van Campen has assembled an outstanding team, and I commend them for their work to set a positive tone from the top and to strengthen policies and procedures to better ensure sound governance.”*

*-IG Jeffrey S. Shapiro*

# Recent Investigations and Case Updates

**“The WRRS is comprised of retirees, contributing members, and government entities throughout Worcester County. Together they are in a trusted relationship that forms the foundation for how public employee retirement systems work within the Commonwealth. As the OIG’s investigation shows, that trust was severely undermined by former WRRS CEO Michael Sacco, whose ambition overshadowed his responsibilities to WRRS, its Board, and, most importantly, its members.”**

**-IG Jeffrey S. Shapiro**

## OIG Finds that Former Retirement System CEO Abused His Public Position

An OIG [report](#) published earlier this month details how the former CEO of the Worcester Regional Retirement System (WRRS), Michael Sacco, took advantage of the weak terms of his WRRS employment contract to work extensively for his private law firm. The OIG found that Sacco neglected many of his job responsibilities while collecting his full-time salary and made misleading statements to both the WRRS Board of Trustees (Board) and the OIG regarding his work hours.

Sacco, who was hired as WRRS’s full-time CEO in 2019 at an annual salary of \$150,000, concurrently provided legal services to 53 other Massachusetts public employee retirement boards through his private law firm. When interviewing Sacco for the WRRS role, Board members clearly expressed their expectation that Sacco work full-time for WRRS during its business hours. Sacco agreed that he would “wind down” his law practice and limit work for outside clients to times before and after WRRS’s business hours, during his lunch hour, and on weekends. The WRRS Board relied on Sacco’s verbal assurances and did not include explicit contractual boundaries on when, where, and how Sacco could work for other clients. The contract did specify that Sacco’s work “not substantially interfere with the performance of his [WRRS] duties” and required that he disclose to the Board any engagements that would require his absence.

The OIG’s investigation found that, from his start date at WRRS until his resignation in 2023, Sacco violated his duties to WRRS and the public by:


- Attending over 350 outside retirement board meetings, court sessions, and administrative hearings on behalf of his private clients, nearly all during WRRS business hours;
- Communicating by phone and email to clients, court officials, and other attorneys regarding his private firm’s business during WRRS work hours and often from WRRS’s office;
- Working only 20 to 30 hours per week for WRRS, despite collecting a full-time salary;
- Failing to comply with his contractual requirement to inform the Board every month of his non-WRRS work appearances and engagements; and

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- Failing to claim vacation leave on at least 16 days when he was traveling for vacations, maintaining after the fact that composing a single email excused him from using paid leave.

The OIG also concluded that Sacco fell short in performing his duties as the WRRS CEO. For instance, he regularly canceled staff meetings, slowed the pace of outreach and engagement efforts, discontinued the WRRS membership newsletter, was months late in producing a requested report, and did not attend meetings with various stakeholders such as the Pension Reserves Investment Management Board.

As for the WRRS Board, the OIG found that it should have written Sacco's contract to include more precise specifications related to his work commitments and should have done more to address Sacco's performance and attendance problems. Once the engagement became untenable, the Board opened the door to a larger pension payout by allowing Sacco to resign rather than terminating his employment.


Among its numerous recommendations, the OIG encouraged the Board to recover the amounts overpaid to Sacco for vacation time and any other overearnings. The OIG also recommended that the Board report more accurate information to the Public Employee Retirement Administration Commission to recalculate Sacco's pension and length of service. On a broader scale, the OIG echoed recommendations from previous reports in calling on the Legislature to streamline the current rules and processes related to the post-retirement earnings cap for public employees. 

## Lowell Nonprofit Director Charged in Rental Assistance Ploy

The former Director of Housing and Consumer Education for the Lowell nonprofit agency Community Teamwork, Inc. was arraigned in February in Middlesex Superior Court for allegedly stealing over \$280,000 in rental assistance earmarked for families experiencing housing crises.

Following a joint investigation of the OIG and the Attorney General's Office, Pipheak "Tom" Sun, of Pepperell was indicted for fraudulently submitting five rental assistance applications falsely claiming that qualifying tenants lived at properties of his friends and family. Prosecutors say that these applications resulted in \$259,000 in rental assistance payments to Sun's acquaintances, who purported to be the tenants' landlords. Investigators believe that Sun received approximately 60% of those payments in kickbacks. They also believe that Sun used the identifying information of at least four individuals without their consent.

Sun stands further accused of fraudulently redirecting \$23,000 of the nonprofit's funds into his own bank accounts.

Sun entered a not guilty plea to 14 counts of larceny and identity fraud. Charges are allegations, and the defendant is presumed innocent until proven guilty. 

**“The indictments allege a deliberate scheme to defraud a program designed to help people keep a roof over their heads. The OIG will continue to work with the Attorney General’s Office to safeguard public resources and hold those who enrich themselves at the expense of these resources to account.”**

**-IG Jeffrey S. Shapiro**

Against this budgetary backdrop, in June 2025 the Legislature mandated that the OIG review the Commonwealth's special education transportation services. Specifically, the Legislature charged the OIG with reviewing how districts procure special education transportation services and recommending ways to reduce costs and maximize efficiency and purchasing power.

In February, the OIG issued its finding and recommendations. The study, entitled *Special Education Transportation Study: Strategies to Mitigate Rising Costs*, takes an in-depth look at the web of factors impacting special education transportation costs and recommends ways to manage them while preserving the safety and integrity of the resources on which students and their families rely.

"While there are certainly no quick fixes, this study offers specific achievable recommendations for the Legislature, the Department of Elementary and Secondary Education (DESE), and local school districts," IG Shapiro said.

The study leverages data that the OIG gathered from numerous sources, including a school district survey, stakeholder interviews, and document and contract reviews. The OIG also engaged a school transportation consulting firm to collect and analyze information.

The OIG identified multiple areas for the Legislature, DESE, local school districts, and other stakeholders to consider in weighing how to improve the Commonwealth's special education transportation services while potentially controlling costs.

## The Reimbursement Funding Model

Massachusetts is one of only six states in which nearly all state funding for pupil transportation is delivered through a reimbursement model, as opposed to through categorical grants or inclusion in the state's main education aid formula. Under the Commonwealth's current reimbursement model, districts pay the full cost of transportation services up front and the state reimburses them for some of those expenses the following fiscal year. The OIG believes that this model of carrying transportation costs burdens many school districts with fewer financial resources. In addition, the reimbursement model is expensive to administer, lacks the cost controls inherent in same-year funding, and offers little incentive for school bus transportation vendors to keep costs low. The OIG recommended that the Legislature amend its school transportation funding model to provide school districts with partial transportation funding during the current fiscal year. That approach would free up funding for districts' current budgets, ease the administrative burden of next-year payouts, and may sharpen vendor pricing.

## Procurement Practices

Most school districts provide special education transportation services through special education school bus vendors, a market which has seen increased consolidation and reduced competition in recent years, particularly in Massachusetts. In the OIG's survey, 53% of participating school districts reported that they received no bids or only one bid in their latest procurement for special education school bus transportation. In this environment where competition is low and prices are consequently high, the OIG recommended that school

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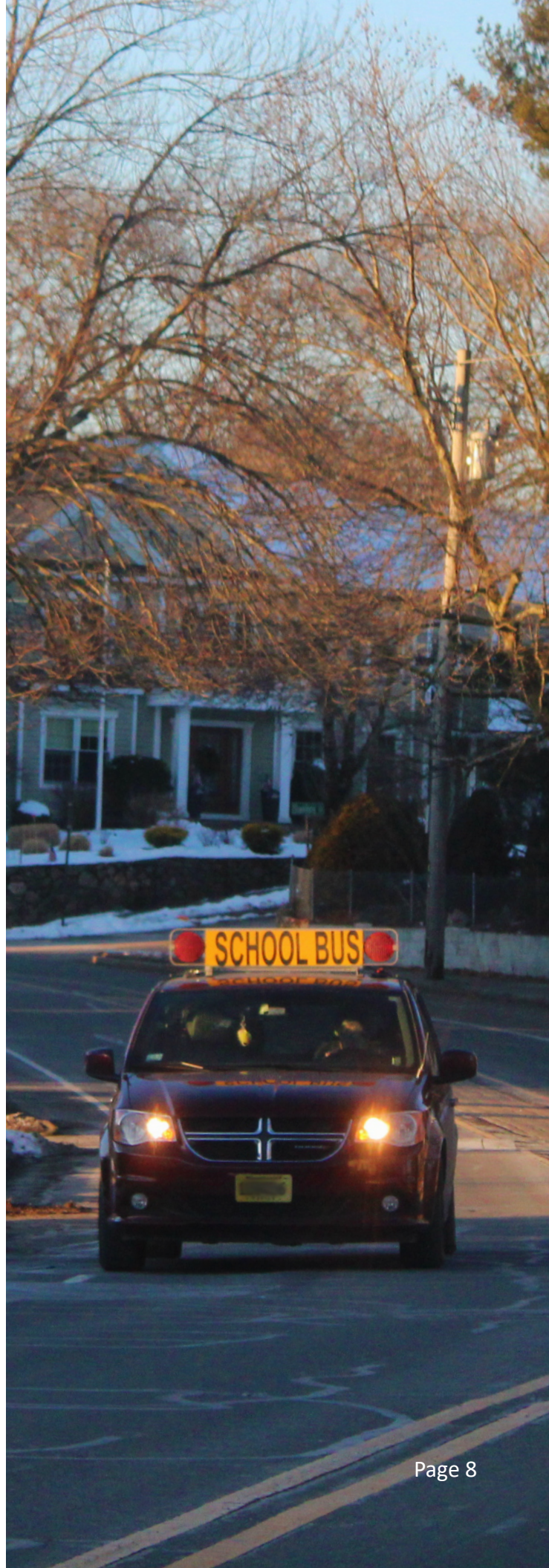
districts adopt bidding practices that avoid shifting risks to the vendor. Such practices include procuring school transportation contracts 9 to 12 months before the anticipated contract start date; giving bidders a minimum of 28 days to respond to solicitations; making contract terms longer to allow vendors to amortize startup and capital costs; and carefully considering the cost impacts of technology, insurance, and service performance requirements.

### Transparency in Vendor Pricing

With the shrinking pool of school bus vendors, districts often pay high prices without understanding the underlying details. The OIG recommended that the Legislature amend procurement laws to require that vendors break down their total proposed pricing into costs for labor, capital or vehicle acquisition, fuel and vehicle maintenance, insurance, overhead, profit, and other expenses. Districts could then share this information with DESE, which the department could use to identify and address transportation cost drivers. The OIG further recommended that DESE create a central repository of school transportation bids and contracts, along with a list of licensed providers under contract with school districts, to promote greater transparency and help districts to make more informed decisions.

### Opportunities for Regionalization

In mandating this study, the Legislature specifically directed the OIG to investigate the practicality of saving costs by combining special education transportation services among districts – or “regionalization.” In the past, the Legislature has funded pilot programs for regionalization to address cost concerns related to special education transportation. Some of those pilot programs were successful. From its analysis, the OIG concluded that regionalization has potential value in some areas of the state, but would not meet the needs of every district considering factors such as student needs, placement patterns, geography, labor markets, and governance structures. The OIG recommended that the Legislature provide funding to support shared contracts and operations (including dispatch and call centers) and help to identify opportunities in which geography and demand support cross-district collaboration. 





Williamstown's new fire station was built using CM at-risk.

Ideally, this collaboration among project participants results in fewer disputes and change orders over the life of the project. This collaboration also may result in an earlier-than-scheduled completion of the project.

But the CM at-risk delivery method also has disadvantages, especially for awarding authorities new to the process. Some awarding authorities are wary of selecting a contractor without having complete project designs or a fixed bid price in hand. Other awarding authorities might be concerned that under the CM at-risk delivery method the awarding authority guarantees to pay the actual cost of the work set in the GMP. Considering that fact, the awarding authority needs to clearly understand what makes up the GMP and ensure that the GMP is as accurate as possible.

An awarding authority seeking to use the CM at-risk delivery method would benefit by having staff members with the expertise to monitor project costs and negotiate the GMP.

### The OIG's Role

The OIG is responsible for determining that a public entity choosing to use the CM at-risk delivery method has the plans and procedures in place to effectively procure the project. Awarding authorities are required to submit a detailed application for the OIG's review before the OIG will issue a Notice to Proceed.

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IG Shapiro speaks with Williamstown Fire Chief Jeffrey Dias during an October 2025 visit to the town's almost-completed fire station.



### 'CM at-Risk' Delivery Method Can Offer Benefits, continued from front page

During the design phase of a CM at-risk project, the CM at-risk firm provides construction management services: it reviews the project design, schedule, and cost estimates. The firm may assist with other tasks such as preparing bid packages and value engineering. During the construction phase, the CM at-risk firm serves as the general contractor.

The awarding authority and CM at-risk firm negotiate a guaranteed maximum price (GMP), which sets the maximum amount to be paid for construction and other costs related to the project. The initial GMP is based on drawings, specifications, project assumptions, and other available information. However, if the project scope is modified or if unforeseen site conditions arise, the GMP may change. This is a critical point for all awarding authorities to understand.

### Advantages and Disadvantages of Using CM at-Risk


The CM at-risk delivery method provides a number of advantages to an awarding authority. The most significant advantages are that the awarding authority selects the CM at-risk firm based primarily on qualifications, rather than price, and that the firm thereafter brings its expertise to the planning and design phase of the project.

As part of its oversight role, the OIG tracks projects through completion. As a condition of the Notice to Proceed to use the CM at-risk delivery method, the OIG requires awarding authorities to notify the OIG when the project achieves certain project milestones. The OIG uses this information to monitor how awarding authorities are implementing the method.

In order to better understand the use of the CM at-risk delivery method, IG Shapiro at times visits projects that are underway. For example, he traveled to Littleton and met with the team working on the Littleton Senior Center to hear why they utilize the CM at-risk method. Littleton has previously constructed its town library using CM at-risk and has been approved to use CM at-risk for an elementary school, totaling three projects in six years.

“We were pleasantly surprised to have Inspector General Shapiro attend one of our project meetings and were impressed by his level of knowledge and understanding of the practical application of the method,” said Littleton Town Administrator James Duggan.

Since 2005, the OIG has reviewed and approved more than 300 applications for the CM at-risk delivery method for projects worth more than \$25 billion. Awarding authorities have used CM at-risk to construct schools, public safety buildings, fire stations, libraries, and other municipal buildings.

The OIG encourages awarding authorities considering the CM at-risk delivery method to review available resources. The OIG’s [Designing and Constructing Public Facilities Manual](#) lays out a step-by-step overview of the process. 

*The OIG recently updated its CM at-risk application and process. The new application, along with additional information, is available on the OIG’s website.*

## OIG Weighs in on Steamship Authority’s Website Project

The OIG recently presented findings related to its investigation into a costly website development project undertaken by the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority (Authority).

The OIG’s December 2025 report, [The Steamship Authority’s Website Development Project: Poor Planning and Lax Oversight Wastes Millions](#), describes a failed project that encountered a litany of problems in terms of planning, execution, and oversight. The OIG concluded that the project suffered from a “cascade of failures” at every level of the agency.

The Authority is a quasi-public agency that provides ferry service between mainland Cape Cod, Martha’s Vineyard, and Nantucket. For many years, the Authority had a website that served as a portal to an antiquated reservations system. Rather than addressing the Authority’s needs to improve its complex reservation system (a technology project), the agency prioritized work on a website redesign (a portal and

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*Senator Julian Cyr and Representative Thomas Moakley are hosting two public information sessions on the OIG’s recent Steamship Authority report. Inspector General Shapiro will be on hand to offer comments and entertain questions.*  
**Join us!**

**Monday, April 6, 1 p.m.**  
**Nantucket Public Safety Building**

**Monday, April 13**  
**Martha’s Vineyard (time and location to be announced)**

**Reference the OIG’s website for updates.**

communications project) by engaging a vendor to design a new website and mobile app in 2021.

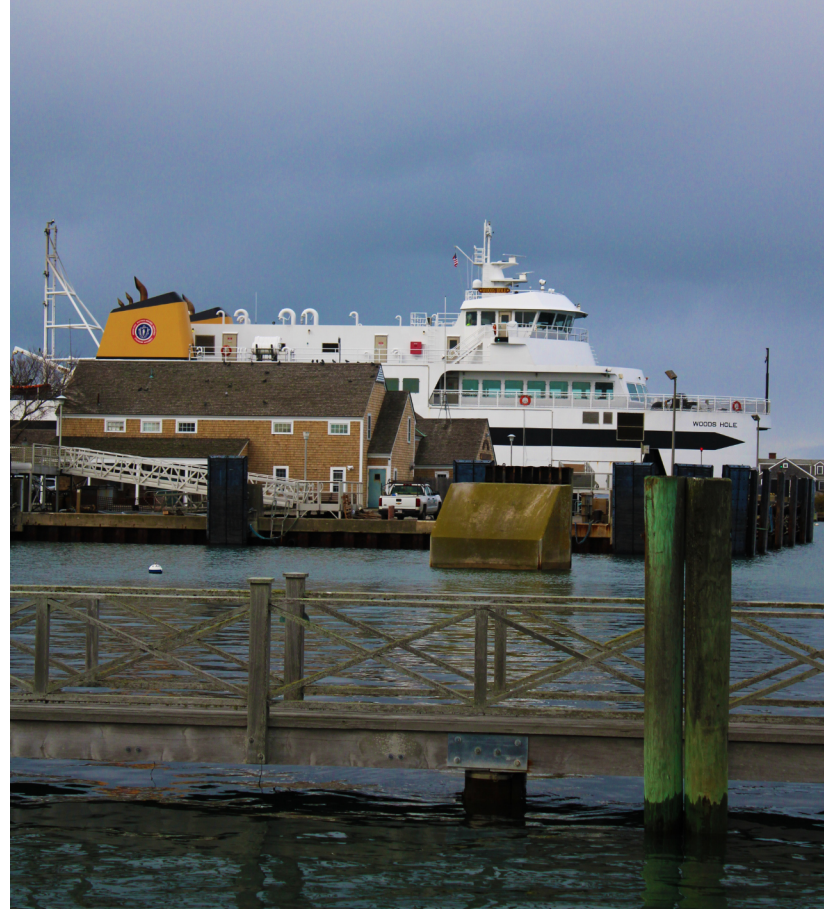
The effort to build the new website reliant on the Authority's decades-old reservations system quickly encountered difficulties. Following numerous delays and project costs that ballooned from \$2 million to over \$4 million, the Authority suspended the website project in 2024 in favor of procuring a new reservation system. The Authority awarded a reservation system contract in 2025 for an additional \$5.7 million. It is uncertain whether, without further expenditures, the work on the new website design will be able to be used with the reservation system currently under development or whether such an approach would be an appropriate technological solution.

The OIG identified numerous shortcomings in the authority's governance which contributed to the website project's failure and the accompanying waste of public funds.

The Authority is led by a five-member Governing Board (Board), which appoints the general manager in charge of day-to-day management. The OIG found that neither the Board nor the then-general manager properly exercised their duties and responsibilities. For instance, the OIG found that (1) the Authority's leadership ignored the known business risk posed by its outdated reservation system; (2) the then-general manager evaded accountability by ignoring advice from specialists and withholding important information from the Board; and (3) the Board neglected its duty to oversee the then-general manager's decisions and the Authority's spending.

The OIG also found that the then-general manager repeatedly misrepresented the website development's status to the Board and withheld critical documents which could have affected the Board's decisions to continue supporting the project. The Board often approved the then-general manager's recommendations with little discussion or inquiry. Additionally, the OIG found that some Board members were unclear as to what their oversight and fiduciary responsibilities entailed, with some describing themselves as "ambassadors" of the Authority.


Further, the OIG determined that the Authority and the then-general manager made numerous missteps in the website project's execution. Poor recordkeeping led the Authority to purchase the reservation system source code twice. The then-general manager appointed a website



project manager with no IT or project management experience. No one at the Authority properly scoped the project to account for the work needed to connect a new website to the outdated reservation system, which led to numerous delays, change orders, and increased cost outlays.

The OIG's report calls on the Authority and its Board to conduct a sweeping review of their project planning, execution, and oversight practices while setting a "tone from the top" that values employee input and respects public funds.

**"The Steamship Authority has nothing to show after pouring millions of dollars into an effort that was doomed from the start," IG Shapiro said in a statement. "I hope this report and its recommendations will serve as a field guide for the Authority to make needed changes in the immediate term."**

The OIG also recommended that the Legislature evaluate the Authority's 65-year-old enabling statute and consider whether its governance structure needs modification and whether the roles of the Authority's leadership and Board need to be clarified. 

# On the Road with IG Shapiro

The OIG has maintained its busy pace in the first months of 2026, wrapping up investigative work and issuing expansive findings and recommendations in publications such as a report on special education transportation services, a preliminary report on funding of the Commonwealth's 14 sheriffs' offices, and a letter concerning the failed MassDOT highway service plazas procurement.

IG Shapiro also continued to prioritize meeting in person with municipal leaders to hear their concerns and the pain points they encounter in fulfilling their public duties.

In February, IG Shapiro marked his listening tour's 100th municipal visit when he called upon **Newton Mayor Marc Laredo**, who then joined the Inspector General in an interview on NewTV to discuss issues facing the city. Afterwards, IG Shapiro met with **Newton residents Jenny McBride and Jo Gray**, who recently completed an ambitious tour of all of the Commonwealth's 351 cities and towns.

IG Shapiro wrapped up the day meeting with **retired Newton Police Lieutenant Bruce Apotheker**.

IG Shapiro met with newly-sworn-in **Everett Mayor Robert Van Campen** in March. The pair's conversations focused on best practices to strengthen government transparency and fiscal responsibility.

**“As Inspector General, I want to make government work better tomorrow than it did today, which requires listening to and working with the people who are on the ground doing the hard work of governing day in and day out. Mayor Van Campen has assembled an outstanding team, and I commend them for their work to set a positive tone from the top and to strengthen policies and procedures to better ensure sound governance.”**

**-IG Jeffrey S. Shapiro** 

**IG Shapiro meets with Newton residents Jenny McBride and Jo Gray, who recently completed touring all 351 cities and towns in the Commonwealth.**



# MassDOT's Failed Service Plaza Revitalization Procurement Offers 'Lessons Learned'

The OIG's review of the Massachusetts Department of Transportation's (MassDOT) failed procurement for the revitalization and operation of the state's highway service plazas uncovered a series of shortcomings that collectively undermined the integrity of the procurement process.

This 2024 procurement concluded with a selected bidder but no signed contract, forcing MassDOT to negotiate lease extensions with the current service plaza operators through June 30, 2027. In the meantime, MassDOT will need to conduct a new procurement for the services needed after that extension expires.

The OIG's investigation found numerous problems with the failed service plaza procurement process and accordingly outlined its findings and recommendations in a [February 27 letter](#) to Interim Transportation Secretary Phillip Eng.

"The OIG found too many flaws in this procurement to say with confidence that the procurement, had it been fully executed, was based on a solid foundation," IG Shapiro said. "I am hopeful that our recommendations will assist MassDOT in approaching this and other large-scale procurements, such as the Cape Cod bridges, the Allston Multimodal Project, the MBTA North Station Draw Bridge, and the commuter rail operator, with greater diligence."

Although the OIG directed the letter to MassDOT, its recommendations summarized below can assist other public entities in developing best practices for fair and effective procurements.

## **Disclose real or apparent conflicts of interest.**

Selection committee members should disclose any relationships that could pose real or apparent conflicts of interest. Conflict of interest disclosure forms should contain space for members to disclose names and relationships with any individuals or entities that could pose such a conflict in evaluating bids. Disclosure forms should also have space for authorized individuals to affirm that they have reviewed the disclosures and determined whether the relationship poses a real, apparent, or no conflict of interest.

Conflict-of-interest training should address specific risks, including personal relationships with proposers, financial interests, and how to mitigate reputational risks during the evaluation process.

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### Stay true to the Rules of Contact.

Selection committee members should adhere to any established Rules of Contact limiting communications between proposers and evaluators on matters related to a request for proposals (RFP), procurement, or anticipated lease. Rules of Contact should also specify that bid evaluators disclose any necessary communications with proposers or their affiliates, such as communications related to ongoing operational or capital projects or pre-existing matters.

### Assign weights to an RFP's evaluative subfactors.

Assign specific weights to an RFP's evaluative subfactors. Specify the importance of each subfactor and provide clarity to the proposers and selection committee on the relative weight of each subfactor. To more effectively achieve the goals of the procurement, ensure that selection committee members have a common understanding of whether to give particular subfactors more or less weight than other subfactors.

### Record scoring justifications.

Require selection committee members to document their reasoning and justification for their scoring and record this information in the procurement file. This practice will contribute to a consistent and fair procurement process.

### Clarify procedures for engaging subject matter experts.

Ensure that selection committee members understand the processes for consulting with subject matter experts or


colleagues in other divisions. Procedures should specify what committee members should do with information gathered from experts, such as making that information part of the official record or having the expert present to the entire committee.

### Use a closed or sealed scoring method.

To avoid the risk of collective thinking, a selection committee should not use a "live scoring" or "roll call" scoring process. After the committee hears from experts and deliberates together, members should evaluate a proposal independently. A secret scoring method fosters an unbiased selection process and helps selection committee members perform their own analysis.

### Provide sufficient information and time for board approval.

For major procurements, selection committee members should regularly present information to the Board of Directors or relevant subcommittees that approve major procurements. Board members can benefit from hearing questions from their fellow members and should be given time to inform their vote by publicly asking the selection committee for additional information. Do not rely on private briefings in lieu of public meetings, particularly on significant and complex procurements.

**As public entities undertake large-scale procurements, it is important for them to have a written procurement process and to comply with that process.** 

## OIG Examines Sheriffs' Budgets and Spending Practices

The OIG recently issued preliminary findings on deficit spending practices by many of the Commonwealth's sheriffs' offices, including the flawed legislative appropriations process that has contributed to years of cost overruns.

After the 14 sheriffs' offices incurred a combined deficit of \$110 million in Fiscal Year 2025, the Legislature called upon the OIG to investigate and report on the sheriffs' spending and appropriations levels and to make recommendations to ensure future compliance with state finance law. In its February 27 report, [A Preliminary](#)

[Review of Sheriffs' Budgets and Expenditures](#), the OIG presented several findings from its review to date.

The OIG determined a major factor contributing to overspending is an "opaque, chaotic, and deeply flawed" legislative budgeting process. The OIG found that the Commonwealth routinely underfunds sheriffs' offices in the General Appropriations Act (GAA), with the understanding that the offices will be made whole through the supplemental budget process at the end of the fiscal year. Thus, the sheriffs' offices operate with the tacit approval of the Legislature to spend above their GAA

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appropriation, even before lawmakers approve extra funds in the supplemental budget. This practice is an apparent violation of state finance law.

**“This approach to setting the initial budget in the GAA leaves the sheriffs without a known budget and thus uniquely allows each sheriff to determine their annual amount of spending without oversight from [the Executive Office for Administration and Finance] or the Legislature,” the report states. “Importantly, the OIG understands that some sheriffs expect that the Legislature and A&F will use the supplemental budget to reimburse their expenditures up to and beyond the amount they requested at the beginning of the budget process. This concept is not rationally based and is contrary to how the budgets for all other state agencies are handled.”**

The OIG also found that general appropriations for the sheriffs’ offices have fallen short of the level needed to maintain mandatory services, which include abiding by collective bargaining agreement terms, providing certain medication-assisted treatments, and providing statutorily mandated free calls.

Compounding the problem is the lack of clarity on sheriffs’ obligations and responsibilities. IG Shapiro noted in the report that, “[I]t is apparent that the role of the sheriffs’ offices may not be as narrow as some legislative leaders expect, nor as expansive as some sheriffs believe.” The report outlines the general understanding that sheriffs have a responsibility to operate county correctional facilities (with the exception of Nantucket, which has no jail) and to provide transportation services. Over the years, the Legislature has authorized some sheriffs to provide additional services, such as criminal investigatory services for Barnstable and Plymouth counties. However, as the report states, lawmakers never allocated budget dollars for these services. Additionally, other sheriffs have had a broad view of their responsibilities, or have sought

to expand educational, vocational, and re-entry services. In doing so, they have spent dollars beyond their approved budgets.


The ability to deficit spend has allowed many sheriffs to accumulate expenditures related to this additional programming, as well as for community service and law enforcement activities.

In its preliminary report, the OIG makes 17 recommendations to the Legislature, sheriffs, and other stakeholders to address overspending. Many of these recommendations can begin to be implemented in Fiscal Year 2027 in an effort to provide sheriffs with a realistic budget, to require sheriffs to stay within their funding levels, and to allow the Legislature to address supplemental funding needs in advance of spending, as is the case with all other state agencies. More realistic initial appropriations should limit the need for supplemental funding to unique and unforeseen circumstances.

Additionally, the Legislature should work with stakeholders to determine the activities and programs that sheriffs’ offices should conduct, particularly their role – if any – related to law enforcement activities.

Sheriffs, in turn, should operate within their budgets. The OIG further recommended that sheriffs work to standardize programs and services across counties and determine best practices.

**“Sheriffs must be mindful that even though past practice has allowed overspending, state finance law forbids it,” the report says. “Moving forward, like all state agencies, some sheriffs’ offices may have to make tough decisions about the programs and activities they perform.”**

The review of the sheriffs’ budgets and spending is ongoing, and the OIG will deliver its final report on these issues in May. 

# Avoid Costly Re-Bids by Understanding Proprietary Specifications

*Submitted by the Fair Labor Division of the Office of the Attorney General, Andrea Joy Campbell*

The Public Construction Bid Unit of the Office of the Attorney General's Fair Labor Division (FLD) recently heard two bid protests involving awarding authorities' missteps on bid documents referencing proprietary specifications. In both matters, the FLD ordered the authorities to conduct re-bids considering that they violated statutory requirements that cannot be waived or overlooked.

To aid in future compliance, the FLD takes this opportunity to remind procurement officials about the permissible use of proprietary specifications in bid solicitations.

Massachusetts public construction bidding laws mandate open competition for all materials in a given procurement.<sup>1</sup> Specifications meet this "full competition" requirement when they either:

- (1) Name or describe at least three brands of a given material; or
- (2) Provide a description that can be satisfied by three manufacturers or products.

The law recognizes that there are circumstances in which an awarding authority names a specific product or describes specifications that only one product can satisfy.<sup>2</sup> An awarding authority may decide to use these so-called "proprietary specifications" if certain conditions are met. In accordance with M.G.L. c. 30, § 39M(b), the awarding authority must:

- (1) Conduct a reasonable investigation;
- (2) Name a specific product based on sound reasoning;
- (3) Ensure the decision furthers the public interest; and
- (4) Commit the rationale and decision to writing and make it available to the public.

Note, however, that even when these conditions are satisfied, **the specifications must still allow bidders to propose a similar product, colloquially called an "or-equal."** In fact, the awarding authority has an affirmative duty to make it clear to bidders that it will consider an equal product.<sup>3</sup> To meet this duty, specifications must unambiguously allow for equal products.

Decisions by the Attorney General's Office over many years have consistently held that boilerplate "or-equal" language appearing elsewhere in the specifications does not cure the impropriety of a "no substitutions" limitation. Naming a product in the specifications with language such as "no substitutions allowed," "no alternatives," or "only the product(s) specified" constitutes a statutory violation that disrupts the "equal footing" requirement. This violation is not cured by more general provisions appearing elsewhere in the bid documents. A re-bid is the only remedy.

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<sup>1</sup> See M.G.L. c. 30, § 39M(b) (specifications "shall be written to provide for full competition for each item of material to be furnished under the contract").

<sup>2</sup> See *Murphy Specialty, Inc. v. City of Worcester*, Attorney General's Bid Protest Decision (October 9, 2007).

<sup>3</sup> *Id.*

In contracts for construction and construction materials where only one product can meet specifications, an awarding authority should be certain to follow the proprietary specification requirements in its solicitation so as not to run afoul of public construction bid laws.

For more information about the use of proprietary specifications, please consult with your legal counsel and review the following:

- M.G.L. c. 30, §39M(b)
- The following Massachusetts Attorney General Bid Protest Decisions, available at: [massago.hylandcloud.com/231publicaccessbp/bidprotest.html](https://massago.hylandcloud.com/231publicaccessbp/bidprotest.html)
  - o *Murphy Specialty, Inc. v. City of Worcester* (October 9, 2007)
  - o *Sports Turf International, v. Town of Wayland* (April 18, 2007)
  - o *Adams Plumbing and Heating Inc. & Murphy Specialties, Inc. v. Town of Lee* (January 8, 2026)
  - o *Murphy Specialties, Inc. v. Town of Billerica* (January 8, 2026) 

## Prevailing Wage Law Misconceptions


*Submitted by the Attorney General’s Fair Labor Division and the Executive Office of Labor and Workforce Development’s Department of Labor Standards*

Massachusetts’s prevailing wage laws apply to the construction of public works by the Commonwealth or by a county, town, authority, or district.<sup>1</sup> The Massachusetts Department of Labor Standards is responsible for administering and interpreting these laws, and the Attorney General’s Office is responsible for enforcing them. In general, the prevailing wage statute applies to a particular project if (1) the project is “construction,” as defined in Section 27D of Chapter 149 of the Massachusetts General Laws; (2) the project is a “public work”; and (3) the project is being undertaken by a public entity subject to the prevailing wage law.

There are two common misconceptions concerning the Massachusetts prevailing wage laws. First, there is no dollar threshold; prevailing wage laws can and do apply to projects of all sizes. Second, the applicability of the prevailing wage laws generally depends on the type of work being done, not the procurement method for the project. Prevailing wage laws can apply, for example, to projects bid under Chapter 30B of the Massachusetts General Laws and projects using an Operational Services Division (OSD) statewide contract.

Prevailing wages are required in the event of an addition to or an alteration of a public building or public work,<sup>2</sup> including on service or supply procurements that result in any construction work being performed under the said contract.

If you have questions on whether the prevailing wage applies to a particular project, please email the Department of Labor Standards at [DLS.Feedback@mass.gov](mailto:DLS.Feedback@mass.gov).

To learn more about awarding authority compliance with Massachusetts prevailing wage laws, please visit [the Attorney General’s Fair Labor Division](#) web page. 

<sup>1</sup>M.G.L. c. 149, §§ 26, 27.

<sup>2</sup>See *id.* at § 27D.

To register for an upcoming class, visit the [OIG Academy Course Catalog](#) and make your selections. We look forward to seeing you!

## What's New?

The OIG Academy is always working to improve our processes to make it easier than ever for you to take advantage of OIG course offerings and credentials.

### **Application materials for the Massachusetts Certified Public Purchasing Official (MCPPO) Designation have been streamlined.**


The application can now be found in the [OIG Academy Course Catalog](#) under the MCPPO Designation listing. The application is no longer available on the OIG Academy's general web page.

The CORI form will be available upon registration for the MCPPO Designation course and must be completed via DocuSign. The CORI form includes an ID verification step, so please have a government-issued ID ready as you complete this part of the process. Notarization is no longer required.

### **Procurement-related work experience is no longer required for the MCPPO Designation.**

Beginning on January 1, 2026, anyone who completes the MCPPO course requirements and applies for the MCPPO Designation will receive the Designation, regardless of work experience.

### **The Academy has retired the Associate MCPPO Designation.**

Current holders of the Associate MCPPO Designation will receive an MCPPO Designation Certificate when applying for their next renewal. 

## Don't Delay!

### 'One Free Designee – Schools' Is Ending

In the interest of promoting good government and best practices in public procurement, the OIG's "One Free Designee – Schools" (OFD-S) program absorbs the cost of one employee from each of the Commonwealth's public school districts, regional school districts, education collaboratives, and charter schools to take the three public procurement classes required for the MCPPO Designation. Those courses normally carry a total cost of \$1,785.

Those who wish to participate in OFD-S must enroll and complete all required coursework before June 30, 2026, when the program ends. Eligible individuals may work with their Superintendent, Executive Director, or Charter School Leader to fill out the [One Free Designee – Schools application](#).

2. Definitions.
3. Procurement contracts; files.
4. Submission of quotations.
5. Competitive sealed bidding procedures.
6. Competitive sealed proposals; requests for proposals; additional evaluation criteria.
- 6A. Utilization of reverse auctions for the acquisition of supplies and services.
7. Sole source procurements.
8. Emergency procurements.
9. Cancellation of invitation for bids; rejection of bids or proposals.

# Chapter 30B

## Hot Topics

The OIG provides technical assistance on public procurement-related questions to local officials and the general public on Chapter 30B, otherwise known as the Uniform Procurement Act. Chapter 30B is intended to foster fair competition in public contracting. The law governs the processes that the Commonwealth’s cities, towns, and other local jurisdictions must follow in awarding government contracts for supplies, services, and real property. Chapter 30B also establishes procedures for a municipality’s disposition of surplus supplies and real property.

**Public Procurement Technical Support Team**

**Telephone: 617-722-8838**

**Email: [OIGProcurementSupport@mass.gov](mailto:OIGProcurementSupport@mass.gov)**

**[Online Form](#)**

The topic discussed below illustrates the subjects the OIG’s Public Procurement Technical Support Team recently entertained from localities with questions on navigating Chapter 30B requirements.


### Procurement of Cybersecurity and Related Services

Recently passed legislation gives all Massachusetts municipalities an additional option for procuring cybersecurity services.

Section 195 of Chapter 77 of the Acts of 2023, enables all municipalities – as well as state agencies and authorities – to contract for cybersecurity or related services directly with an organization that was “established, in whole or in part,” through a grant from the Massachusetts Cybersecurity Innovation Fund.

The Legislature established the Cybersecurity Innovation Fund through Section 4H of Chapter 40J of the Massachusetts General Laws to grow the cybersecurity industry in the Commonwealth and protect against cybersecurity threats by (1) expanding employment opportunities in the Massachusetts cybersecurity industry; (2) matching public and private universities with industry partners; (3) providing monitoring and the detection of threat activity to investigate and mitigate cybersecurity incidents; and (4) promoting educational programs and training in cybersecurity.

The practical effect of the legislation is that cities and towns may procure cybersecurity services from organizations funded by the Massachusetts Cybersecurity Innovation Fund without following the standard procedural requirements of Chapter 30B. By its own terms, this legislation will be repealed on November 1, 2028, unless lawmakers take action to extend it.

For questions on how this legislative action could affect a procurement conducted by your municipality, please see the boxed information above on how to contact the OIG’s Public Procurement Technical Support Help Desk by telephone, email, or online form. 

# Contact the Massachusetts Office of the Inspector General



One Ashburton Place, Room 1311  
Boston, MA 02108

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## *Class Information*

To view the current class schedule and to register for a class electronically, please use the link below. If you have any questions, please contact us at (617) 722-8884.

## [Course Catalog](#)

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For information related to public construction, public works, or designer selection, check out the Attorney General's Office's website at <https://www.mass.gov/public-bidding>.