

Appendix A

Contracts Exempt from Chapter 30B

The following supply and service contracts are exempt from the requirements of Chapter 30B.

1. Public construction contracts subject to the provisions of M.G.L. c.30, §39M, M.G.L. c. 25A, §§11C and 11I, or M.G.L. c.149, §§44A through 44J, inclusive. [M.G.L. c.30B, §1(b)(1).] See Chapter 9 for information on design and construction projects.
2. Public building design contracts subject to the provisions of M.G.L. c.7, §§38A½ - 38O, inclusive. [M.G.L., c.30B, §1(b)(2).] See Chapter 9 for information on design and construction projects.
3. Intergovernmental service agreements under the provisions of M.G.L. c.40, §4A. [M.G.L. c.30B, §1(b)(3).]
4. Agreements with the Commonwealth, except as pertains to subsection (i) of section 16. [M.G.L. c.30B, §1(b)(4).]
5. Contracts for the purchase of materials, under specifications of the Massachusetts Highway Department (Massachusetts Department of Transportation Highway Division), and at prices established by the Department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of M.G.L. c.81 or M.G.L. c.90. [M.G.L. c.30B, §1(b)(5).]
6. Contracts for the advertising of required notices. [M.G.L. c.30B, §1(b)(6).]
7. An agreement between agencies, boards, commissions, authorities, departments or public instrumentalities of one city or town. [M.G.L. c.30B, §1(b)(7).]
8. An agreement for the provision of special education pursuant to M.G.L. c.71B and regulations promulgated pursuant thereto. [M.G.L. c.30B, §1(b)(8).]
This exemption applies to direct services delivered to children with special needs, such as transportation, counseling or education under an individual education program, as well as to any supplies used by children with special needs as part of an individual educational program. Other supplies and services, however, are not exempt simply because they are procured by the special education department. For example, office supplies or computers to be used for office administration would not fall under this exemption.
9. A contract to purchase supplies or services from, or to dispose of supplies to, any agency or instrumentality of the federal government, the commonwealth or any of its political subdivisions or any other state or political subdivision thereof. [M.G.L. c.30B, §1(b)(9).]
10. The issuance of bonds, notes or securities in accordance with procedures established by law. [M.G.L. c.30B, §1(b)(10).]

11. Contracts and investments made in connection with deferred compensation programs for employees in accordance with sections 57 or 57A of M.G.L. c.35 or sections 67 or 67A of M.G.L. c.44. [M.G.L. c.30B, §1(b)(11).]
12. A contract for the procurement of insurance or surety bonds, including an agreement subject to the provisions of sections 1 to 16, inclusive, of M.G.L. c.40M or sections 25E to 25U, inclusive, of M.G.L. c.152. [M.G.L. c.30B, §1(b)(12).]
The procurement of an insurance contract is exempt from Chapter 30B. Contracts for insurance-related services, however, are not exempt. You must follow Chapter 30B to procure insurance consulting, claims administration, or third-party billing services.
13. Contracts for the services of expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof. [M.G.L. c.30B, §1(b)(13).]
14. Contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board, as defined by section 55 of M.G.L. c.164 or by a municipal light commission, as defined by section 56A of c.164; provided, however, that any such board or commission may accept the provisions of this chapter by a majority vote of its members. [M.G.L. c.30B, §1(b)(14).]
15. Contracts with labor relations representatives, lawyers, or certified public accountants. [M.G.L. c.30B, §1(b)(15).]
This exemption applies only to services that could reasonably be restricted exclusively to labor relations representatives, lawyers, or certified public accountants. Service contracts are not exempt from Chapter 30B simply because you select a labor relations representative, lawyer, or certified public accountant to perform the service. For example, a contract to computerize your accounting system is subject to Chapter 30B even if you contract with a CPA firm for the work.
16. Contracts with physicians, dentists, and other health care individuals or persons including nurses, nurses' assistants, medical and laboratory technicians, health care providers including diagnosticians, social workers, psychiatric workers, and veterinarians. [M.G.L. c.30B, §1(b)(16).]
This exemption applies only to services that could reasonably be restricted exclusively to physicians, dentists, and other health care individuals or entities. Other health care-related service contracts are not exempt from Chapter 30B simply because you select a physician, dentist or other health care individual to perform the service.
17. A contract for snow plowing services. [M.G.L. c.30B, §1(b)(17).]
18. A contract or lease by a governmental body of its boat slips, berths, or moorings. [M.G.L. c.30B, §1(b)(18).]
19. A contract for retirement board services. [M.G.L. c.30B, §1(b)(19).]
20. A contract which is funded by proceeds derived from a gift to a governmental body or a trust established for the benefit of a governmental body [M.G.L. c.30B, §1(b)(20).]

21. A contract for the towing and storage for motor vehicles. [M.G.L. c.30B, §1(b)(21).]
22. A contract to provide job-related training, educational or career development services to the employees of a governmental body. [M.G.L. c.30B, §1(b)(22).]
23. A contract pursuant to which a governmental body obtains services from a bank, as defined in section one of M.G.L. c.167, subject to the maintenance of a compensating balance. [M.G.L. c.30B, §1(b)(23).]

Compensating balance contracts are subject to the provisions of section 53F of M.G.L. c.44, and rules established by the state Department of Revenue.

24. A contract for ambulance service by a governmental body. [M.G.L. c.30B, §1(b)(24).]

The procurement of ambulances is subject to Chapter 30B.

25. A contract to sell, lease or acquire residential, institutional, industrial or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of said real property in accordance with a plan approved by the appropriate authorizing authority. [M.G.L. c.30B, §1(b)(25).]
 26. A contract for the collection of delinquent taxes or for the services of a deputy tax collector. [M.G.L. c.30B, §1(b)(26).]
 27. Contracts or agreements entered into by a municipal hospital or a municipal department of health. [M.G.L. c.30B, §1(b)(27).]
 28. Contracts entered into by a governmental body on behalf of a hospital owned by such governmental body where such contract is funded by expenditures from an operations account, so-called, or a special account, established pursuant to a special act that is maintained for the benefit of and designated with the name of such hospital. [M.G.L. c.30B, §1(b)(28).]
 29. Contracts, agreements, or leases entered into by a municipal airport commission established under the provisions of section 51E of M.G.L. c.90, provided, however, that such contracts, agreements or leases apply to aviation uses or the sale of aviation fuel. [M.G.L. c.30B, §1(b)(29).]
 30. A contract for the collection, transportation, receipt, processing, or disposal of solid waste, recyclable or compostable materials. [M.G.L. c.30B, §1(b)(30).]
- A hazardous waste contract is not exempt.*
31. An agreement for the purchase of photography services entered into by a public school. [M.G.L. c.30B, §1(b)(31).]
 32. Energy aggregation contracts entered into by a political subdivision of the commonwealth for energy or energy related services arranged or negotiated by such subdivision on behalf of its residents. [M.G.L. c.30B, §1(b)(32).]
 - 32A. Contracts with architects, engineers and related professionals. [M.G.L. c.30B, §1(b)(32A).]

33. Energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the commonwealth, for energy or energy related services; provided, however, that within 15 days of the signing of a contract for energy or energy related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of public utilities, the department of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract; provided, further, that for any such contract determined to contain confidential information under subclause (r) of section 7 of chapter 4, the governmental body shall instead maintain a record of the procurement processes and awards for 6 years after the date of the final payment. The governmental body shall make such records available to the inspector general upon request; provided, however, that the inspector general shall not disclose said information. [M.G.L. c.30B, §1(b)(33).]
34. Contracts entered into between the Department of Public Health and regional emergency medical services councils pursuant to M.G.L. c.111C, §5. [M.G.L. c.30B, §1(b)(34).]