

September 19, 2013

## **PUBLIC BIDDING LAW MAY APPLY TO LANDFILL CLOSURE PROJECTS**

According to the Massachusetts Inspector General (IG), cities and towns should go through a public procurement process before entering into a contract to accept grading and shaping material for landfill closure projects. In the September 2013 issue of the [Procurement Bulletin](#), the IG stated that “Chapter 30B bidding rules apply when a town is selling something of value – in this case, space – as well as when the town is buying something. . . . [A town] should use a competitive process that conforms to Chapter 30B to ensure [it] get[s] the most value for the town.” Although the IG recognized that there is an exemption for solid waste contracts, he believes it does not apply to landfill capping projects, because the “exemption was not intended to refer to material that towns use to cap landfills.”

The Uniform Procurement Act applies to every municipal contract for the procurement (i.e., purchase) of supplies or services greater than \$25,000 in value or for disposing of surplus “tangible supplies.” The IG neither addressed whether a contract triggers the statutory threshold of “\$25,000 or more” where the town is being paid to accept grading and shaping material (rather than paying for it), nor whether landfill airspace is a “tangible supply.”

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