MEMO TO: Grant Applicants  
FROM: Marjorie Weinberger, General Counsel, MAPC  
Date: February 19, 2021  
RE: Procurement Method Recommendation for Disbursement of MassDevelopment Funds

The question has been posed as to whether emergency procurement, pursuant to MGL c. 30B, can be used to make purchases for COVID–19 related goods or services. In so long as the purchase is essential to prevent health or safety injuries or damages to persons or property, emergency procurement is an appropriate purchasing method.

The Massachusetts Uniform Procurement Act, MGL c. 30B, §8, provides that in an emergency, goods and services can be sourced without traditional procurement requirements.

**MGL c. 30B §8: – Emergency procurements**

Whenever the time required to comply with a requirement of this chapter would endanger the health or safety of the people or their property a procurement officer may make an emergency procurement without following that requirement. An emergency procurement shall be limited to only supplies or services necessary to meet the emergency and shall conform to the requirements of this chapter to the extent practicable under the circumstances. The procurement officer shall make a record of each emergency as soon after the procurement as practicable, specifying each contractor’s name, the amount and the type of each contract, a listing of the supply or service provided under each contract, and the basis for determining the need for an emergency procurement.

The procurement officer shall submit a copy of this record at the earliest possible time to the state secretary for placement in any publication established by the state secretary for the advertisement of procurements.

The Massachusetts Inspector General has, during the Massachusetts State of Emergency, opined that the use of emergency procurement would be appropriate for municipal buyers to purchase COVID-19 related goods and/or services, where to do so would prevent harm to persons or property. This opinion was provided in an FAQ on the Inspector General’s website, which link is: [https://www.mass.gov/info-details/covid-19-and-chapter-30b-faq-your-procurement-questions-answered](https://www.mass.gov/info-details/covid-19-and-chapter-30b-faq-your-procurement-questions-answered)

Municipal buyers and others are encouraged to seek the support of their legal and procurement representatives to assist in emergency procurement purchasing.