



OPERATIONAL SERVICES DIVISION

Gary J. Lambert
Assistant Secretary for Operational Services

MEMORANDUM

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Michael J. Heffernan
Secretary

To: SCPOs, CPOs, Facility Managers, Municipal Procurement Staff
From: Gary Lambert, Assistant Secretary for Operational Services
Date: March 12, 2020
Re: Acquisition by State Agencies of Goods and Services for COVID-19 Mitigation

The Operational Services Division (OSD) of the Commonwealth of Massachusetts is sending this message to all buyers in response to Governor Baker's declaration of a state of emergency in response to the outbreak of the coronavirus (COVID-19) and the Commonwealth's need for certain personal protective equipment (PPE) and other products and services to help mitigate the impact of the virus. Buyers should consult the [EPA's Registered Antimicrobial Products for Use Against Novel Coronavirus SARS-CoV-2, the Cause of COVID-19](#) for guidance and buyers also are responsible for asking vendors to verify the cleaning products will kill the Coronavirus.

As many of you are aware, OSD has been conducting outreach to Statewide Contract (SWC) Vendors (**Tier 1 Vendors**) about the Commonwealth's need for the following PPE products and services:

- Disinfecting Hand Soaps
- Disposable gloves
- Hand sanitizers
- Masks
- Paper towel products
- Portable hand washing stations
- Sanitizing cleaning services
- Sanitizing wipes

OSD's SWC Vendors are reporting significant shortages or no inventory for certain products (hand sanitizers, N95 masks as examples), which prompted us to identify additional Statewide Contract Vendors on other OSD Statewide Contracts (**Tier 2 vendors**) to determine if they have access to hard to find products.

To help get the needed products and services into the hands of those organizations that need them, in my capacity as State Purchasing Agent for the Commonwealth, I am waiving certain procurement rules pursuant to MGL c. 7, §22(16). This action allows **Tier 2** vendors who may have the products in inventory or have access to the products from manufacturers to provide those products to Commonwealth buyers.

This action also allows the purchase of the products listed above under the emergency provisions of the Best Value Handbook through emergency purchases from other vendors (**Tier 3 vendors**). The **Tier 3** vendor grouping allows purchasers the option of purchasing critical items that are not available from Statewide Contract vendors until such time as products become readily available for purchase from **Tier 1** and **Tier 2** vendors. The procurement file for these types of purchases must document that the products were not



available during the search for products with Tier 1 AND Tier 2 vendors, and it also must include the reason for the immediate need for the product or service that justifies the purchase outside of a Statewide Contract.

Please note that the contractors that have active Statewide Contracts to sell these products are still the first source for all state agencies to acquire these products. Access the list of [SWC Vendors](#) ranked by the Tiers listed above that sell PPE products and services. The contact information for each vendor and links to the Contract User Guides are noted on Tab 1 of the spreadsheet and subsequent tabs show product categories. It is expected that this list will grow as additional products are identified and additional vendors respond to OSD's continuous outreach to SWC Vendors.

Please be aware that there may be other goods and services for which you may have an urgent need. Please contact OSD so that we may determine if those items are available from SWC vendors. If they are not available from SWC Vendors, agencies are allowed to exercise their own discretion in acquiring these goods and services on an emergency basis.

OSD recommends buyers take the following actions:

1. Place orders **now** for the items needed today and in the near future. As stated earlier, vendors are reporting low or no inventories and it may be advantageous to place orders with multiple vendors, as the allocation of products from manufacturers to the vendors varies widely in terms of quantities and timeline.
2. Be certain to cancel orders if your needs change.
3. Orders should be placed using your normal ordering process: COMMBUYS for Executive Departments and COMMBUYS-enabled entities; or contacting SWC Vendors directly for eligible entities that are not COMMBUYS-enabled.
4. Entities eligible to purchase and procure goods and services from OSD's Statewide Contracts (not Executive Departments) are reminded to conduct procurements in accordance with all laws and regulations that pertain to that entity ([Chapter 30B](#) for municipal organizations, as an example). Check with your local legal counsel for advice.
5. Buyers are responsible for asking vendors to verify the cleaning products will kill the Coronavirus, and should consult the [EPA's Registered Antimicrobial Products for Use Against Novel Coronavirus SARS-CoV-2, the Cause of COVID-19](#) for guidance.

Please know OSD is in continuous contact with our Statewide Contract vendors and we expect to expand the list of vendors and associated products/services as needed. We also will remain in contact with our buyers, to keep you apprised of developments and updates to assist you in obtaining the needed materials. We thank you for your patience.

Should you have a need for goods or services not mentioned above or have any other questions related to this memorandum, please contact OSD at COVID19purchasing@mass.gov.