



The Commonwealth of Massachusetts
Office of the Inspector General

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November 28, 2007

Michael R. Sweeney, Director
City of Lawrence Planning Department
147 Haverhill Street
Lawrence, MA 02108

RE: Disposition Process, 128 Newbury Street

Dear Mr. Sweeney:

I am writing to recommend that the Lawrence City Council (Council) remand the disposition of real property at 128 Lawrence Street in Lawrence, Massachusetts to the Housing Sub-Committee for an analysis of the two proposals submitted according to the eight evaluation criteria set forth in the request for proposals. Enclosed please find a sample evaluation form for your consideration.

As you know, the Office of the Inspector General received a complaint under cover of an October 12, 2007 letter from Attorney Armand Hyatt about the acceptance of a \$20,000 bid from Antoine Karko by the Lawrence City Council (Council) for the real property at 128 Newbury Street in Lawrence, Massachusetts. Mr. Hyatt wrote on behalf of his client, Lawrence Community Works (LCW) which was the only other bidder for the property. LCW bid \$14,700, the amount for which the real property was assessed by the city of Lawrence (city).

On September 10, 2007, the Council's Housing sub-committee voted 3-1 to accept Mr. Karko's bid. By letter of September 14, 2007, Michael R. Sweeney, Director of the city's Planning Department, wrote to Housing Chairperson Nilka Alvarez-Rodriguez requesting that the matter be remanded back to the Housing Committee. Mr. Sweeney opined that the Housing Committee deviated from the proper procurement process because it did not properly consider the eight comparative criteria in the request for proposals. The nature of the complaint to this office was that the Council acted on the recommendation of its Housing Sub-Committee by taking an official vote at a public hearing on September 18, 2007, despite being on notice of these concerns and without addressing them.

Chapter 30B of the Massachusetts General Laws requires an advertised proposal process when a real property acquisition will cost more than \$25,000 or when a real property disposition has a value of more than \$25,000. Here, the Council opted to follow M.G.L. c.30B when it was not required on a property it assessed at \$14,700. However, in reviewing the documents submitted by the city and reviewing DVD recordings of the meetings referred to above, this

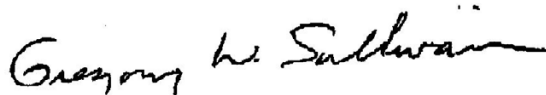
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office found no evidence that the comparative evaluation criteria were properly considered by the Council or its Housing Sub-Committee.

The hallmark of M.G.L. c.30B is fairness. Here, the Council chose in the first instance to follow M.G.L. c.30B. Once it did, it also elected to include eight evaluation criteria, something which the statute allows but does not require. As such, the city must follow through and evaluate proposals received based on those criteria. In the interest of fairness, this office recommends that the city now go back and follow its rules by remanding the matter back to the Housing Subcommittee for consideration of each of the eight criteria.

I hope that this information is helpful.

Sincerely,



Gregory W. Sullivan
Inspector General

Enclosure

cc: Patrick Blanchette, City Council President
Nilka Alvarez-Rodriguez, Housing Chairperson
Charles Boddy, Esq.
Albert S. Previte, Jr., Esq.
Armand M. Hyatt, Esq.

EVALUATION FORM

PROPOSER: _____ EVALUATOR: _____

I. COMPARATIVE CRITERIA

Please assign a rating to each criterion and give a detailed reason for that rating. Please provide as much qualitative information as possible to assist the CPO in making their decision.

A. _____ Rating: _____
Reason: _____

B. _____ Rating: _____
Reason: _____

C. _____ Rating: _____
Reason: _____

D. _____ Rating: _____
Reason: _____

E. Other Comments _____

II. COMPOSITE RATING

After assigning a rating to each comparative criterion, you must assign a composite rating to each proposal and detail in writing the reason for the rating. Please provide as much qualitative information as possible to assist the CPO in making their decision.

Composite Rating: _____
Reason: _____

HA: Highly Advantageous
NA: Not Advantageous

A: Advantageous
U: Unacceptable

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