

# City of Chelsea

## Request for Proposals: Treatment on Demand and Clinical Support Program To work with and in support of the Chelsea Community Navigators Program

### I. GENERAL SUMMARY/OVERVIEW STATEMENT

As part of the City of Chelsea's efforts to address issues faced by individuals suffering from alcohol and substance use dependency and in response to general interest in further reducing the prevalence of drug addiction, the City of Chelsea will direct funds to increase access to treatment, transitional housing and other support services for individuals identified through the "Community Health Navigator" program. The ultimate aim of this project is to connect individuals with a substance abuse disorder to appropriate interventions in a coordinated way and to increase their well-being and their ability to lead a self-sustaining life.

**II. POPULATION TO BE SERVED:** People to be affected by this project include high-risk teens and adults who are struggling with addiction to drugs and/or alcohol and who are in need of recovery services.

### III. TREATMENT ON DEMAND AND CLINICAL SUPPORT PROGRAM REQUEST FOR PROPOSAL:

The City of Chelsea will award up to \$85,000 to a community-based organization or other agency to fulfill the goals and requirements of the Treatment on Demand Clinical Support Program component.

The City proposes to contract with the finalist group of agencies to perform such services for a period of one (1) year, July 1, 2016 – June 30, 2017, with two one-year options at the sole discretion of the City, from July 1, 2017 – June 30, 2018 and July 1, 2018 – June 30, 2019.

**The Treatment on Demand and Clinical Support Program** contract will be awarded to the most qualified and experienced responders to this RFP. The responder should include:

- i) a statement of qualification,
- ii) a narrative describing services proposed, and
- iii) a budget explaining program cost, including in-kind contribution to this project.

The City will select the responsive and responsible applicant submitting the most advantageous proposal, taking into account the applicants demonstrated qualifications, clear project narrative and reasonable budget proposal. The City has no obligation to select the proposal offering the lowest rate(s).

### IV. PURPOSE OF THIS GRANT:

The ultimate goal of the Treatment on Demand Clinical Support Program RFP is to provide access to detoxification and treatment of addiction to local people identified by the Chelsea Navigators as suffering from substance abuse disorders and that are seeking immediate services. The program will work in coordination with the Police Department, the Department of Health and Human Services, the Community Navigators and the City Manager to identify appropriate candidates for treatment. The

program implementation will include data collection and appropriate data on qualifying patients, services and referrals, treatment process and outcomes. The goal of the access to treatment and related services project is to increase the number of people entering treatment for the first time and to engage those involved in the criminal justice system as first offenders.

**V. INTERACTION AMONG PROGRAMS AND PROGRAMS ACTIVITIES:**

This City of Chelsea project will include **three distinct components** - the **Community Health Navigators Program, the Treatment on Demand Program and the Housing and Basic Services Support Program**. Although this RFP is directed solely to the Treatment on Demand component, coordination and cooperation among these separate components, the different agencies involved, and the services provided is essential to assure program positive outcomes.

**VI. NAVIGATORS' PROGRAM SCOPE OF ACTIVITIES:**

- a) Participants' Engagement/Enrolment**
- b) Family Support Network**
- c) General Services**
- d) Recovery Support**
- e) Harm Reduction**
- f) Treatment Referral**
- g) Transporting Individuals to Treatment and Other Services**
- h) Reporting and Supervision**
- i) Assessment and Tracking Goals**
- j) Relationships with Treatment Facilities and other SUD Groups**

**VII. TREATMENT ON DEMAND AND CLINICAL SUPPORT PROGRAM ACTIVITIES:**

The purpose of the Treatment on Demand and Clinical Support Program (**the Subject of this RFP**) is to engage individuals referred through the Community Health Navigators Project to appropriate detoxification services and programs that will improve their wellbeing and increase their ability to a self-sustaining life. The City will use the information provided by the selected applicant to develop the final scope of services.

**VIII. HOUSING AND BASIC SERVICES SUPPORT PROGRAM ACTIVITIES:**

The purpose of the Housing and Basic Services Support Program (**Not the subject of this RFP**) is to provide transitional home placement and appropriate support services and programs to Community Health Navigators Identified individuals in an effort to increase their wellbeing and their ability to lead a self-sustaining life. The information provided by selected qualified agencies will be used in the final formulation of the contracted scope of services.

**IX. COORDINATED PROGRAM OPERATING PRINCIPLES:**

- Active drug users should be provided with an environment where trusting relationships can be established and maintained in an effort to navigate to treatment at a time when they are ready.
- When possible, family members and other members of the target participant's support networks should be enlisted as part of the treatment solution as well as to receive support and guidance in navigating treatment options including but not limited to workshops on risk and harm reduction.

- Individuals in Chelsea should be directed to appropriate support services and resources (i.e. mental health, housing, welfare, job training, GED, ESL, etc.).
- Individuals in recovery should be engaged to support their continued treatment program.
- Harm reduction strategies should be implemented and be ongoing in Chelsea for active users.
- All individuals in Chelsea should be referred to treatment as needed with continued follow up to ensure individuals are continuing with treatment.
- Barriers to these services should be reduced or eliminated. These services include Detox/rehab facilities, medical and counseling appointments, housing, welfare, as well as other services as needed with the Navigator accompanying an individual whenever possible per guidelines of awarded organization.
- Quarterly reporting is essential to assess effectiveness of the work being done and to ensure funding for years 2 and 3. Reports should include individual assessments before and after initial engagement that includes treatment goals that can be tracked.
- Navigators should establish working relationships with institutions and organizations where target populations are being served or can potentially be served, including detox and other treatment facilities, SUD providers, first responders, public safety officials, emergency room personnel, correctional facilities and court systems. Every effort should be made to develop and maintain collaborative relationships with other substance use disorder coalitions, treatment providers and other resources.

#### **X. SERVICE DELIVERY REQUIREMENTS:**

Direct service staff of the responding agency (Navigators, Clinicians and Counselors) should have proficiency (verbal and reading) in Spanish and have two to three (2-3) years of demonstrated experience. Knowledge of the Chelsea Community and a previous engagement with active using and recovery communities, as well as treatment providers and other health and human services, is desired.

The responding agency should have experience working with individuals and families with addictions and in recovery, as well as experience developing and maintaining relationships with other service providers. The agency must have knowledge of related fields of substance use disorders, overdose prevention, and community mobilization around drug-related harm, including HIV Hepatitis C and a demonstrated commitment to working with individuals in recovery from substance use disorders and at risk of an opiate overdose.

All staff should possess required service related education, trainings, qualifications and licenses when required.

The selected agency shall be required to provide a representative to attend weekly HUB & COR meetings to ensure that such agency is aware of the most recent collaborative efforts with the target population. This is a **MANDATORY** requirement of the contract.

The selected agency shall be required to provide quarterly report individuals engaged and outcomes for such individuals on a quarterly basis to the City Manager and HHS Director. These reports are a **MANDATORY** requirement of the contract.

**XI. QUALIFIED AGENCIES RESPONDING TO THIS RFP SHOULD SUBMITT:**

- 1) Copy of current IRS Determination Letter confirming the applicant organization or fiscal agent tax-exempt status.
- 2) Current Board of Directors list with names, town residence, affiliation(s) with other nonprofit boards.
- 3) Provide most recent annual audit for the applicant organization or fiscal conduit. If the organization is not required to have an independent audit, provide a copy of most recent 990 report. Provide name and contact information of contracts/grants manager.
- 4) Information on how staff will be supervised at site of employment (please submit a program staffing chart).
- 5) Information on how Navigator(s) activities will be reported to the program manager.
- 6) A work plan describing: a) weekly activities, b) target groups, c) number of people expected to be served, d) program implementation timeline and intended trainings. This information should provide a baseline for future program assessment and adjustments.
- 7) A budget and budget line item explanation narrative (in a separate sealed envelope from the technical proposal).

**Complete responses to this RFP** (original and two copies; technical proposal and required documentation in one sealed and marked envelope and the budget information in a separate sealed and marked envelope) are due no later than: June 27, 2016 at 11:00am, at the same address. Please use font size 12 in your response, no more than 5 pages including budget. RFP's will be evaluated and rated using the criteria matrix attached.

Please send your completed proposal providing the information described above to:

**City of Chelsea Purchasing Department, Attention: TREATMENT ON DEMAND SUPPORT PROGRAMS RFP, 500 Broadway, Room 206, Chelsea, MA 02150**

The information provided will be used to develop the final scope of services and contract with the selected agencies/organizations.

**RFP RESPONSE EVALUATION CRITERIA**

<b>Criteria</b>	<b>Highly Advantageous (3 Points)</b>	<b>Advantageous (2 points)</b>	<b>Not Advantageous (1 Pont)</b>	<b>Unacceptable ( 0 ) Points</b>
<b>Applicant Institution Competence</b>	<b>Demonstrated competence/ experience</b>	<b>Sufficient field experience</b>	<b>New to this field of Work</b>	<b>Poor or no experience or insufficient info.</b>
<b>Quality of Written Proposal</b>	<b>Direct response to Intention of RFP</b>	<b>Good general response to terms of RFP</b>	<b>Limited but sufficient response to RFP</b>	<b>Does not demonstrate understanding of RFP</b>
<b>Clear and Appropriate Plan of Work</b>	<b>Process, products and timetable clear and achievable</b>	<b>Good but limited plan of work</b>	<b>Adequate but insufficient plan of work</b>	<b>No plan of work or limited connection to RFP</b>
<b>Personnel Program Related Qualifications</b>	<b>Qualifications and direct experience with target population</b>	<b>Qualifications and sufficient experience with target population</b>	<b>Fair Qualifications but limited experience with population</b>	<b>Poor Qualifications and very limited experience with population</b>
<b>Clarity of Budget Explanation</b>	<b>Reasonable cost and clear explanation</b>	<b>Needs further budget explanation</b>	<b>Insufficient budget explanation</b>	<b>Unreasonable budget</b>
<b>Evidence of Advanced Understanding of purpose, target population, scope of activities</b>	<b>Clear and concise program narrative</b>	<b>Good Narrative but does not cover all aspects of RFP</b>	<b>Fair Narrative but limited understanding of RFP</b>	<b>Inadequate understanding of RFP or program purpose</b>
<b>Ability to monitor and frequently communicate program progress with designated personnel and City Officials</b>	<b>Includes information on program activities and process, outcomes, assessment and reporting</b>	<b>Includes information on good activities monitoring and reporting practices and standards.</b>	<b>Includes information on fair activities monitoring and reporting practices and standards.</b>	<b>Insufficient or poor information on activities monitoring and reporting.</b>

**STATEMENT OF CORPORATE AUTHORITY**

At a duly authorized meeting of the Board of Directors of \_\_\_\_\_,  
held on \_\_\_\_\_, at which time all voted that \_\_\_\_\_  
of this Company, be and hereby is authorized to execute contracts and bonds in the name and  
behalf of said Company, and affix its Corporate Seal thereto, and such execution of any contract  
of obligation in this Company's name on its behalf by such person \_\_\_\_\_ under  
seal of the Company, shall be valid and binding upon this Company.

A TRUE COPY,

ATTEST: \_\_\_\_\_  
Clerk

PLACE OF BUSINESS:

\_\_\_\_\_  
\_\_\_\_\_

DATE OF THIS CONTRACT:

\_\_\_\_\_

I hereby certify that I am the Clerk of \_\_\_\_\_  
\_\_\_\_\_ and that \_\_\_\_\_ is  
duly elected \_\_\_\_\_ of said Company, and that  
the above vote has not been amended or rescinded and remains in  
full force and effect as of the date of this contract.

\_\_\_\_\_  
(Clerk's Signature)

(CORPORATE SEAL)

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name of Company or Corporation

\_\_\_\_\_  
Authorized Official's Signature

BIDDERS/RESPONDENTS MUST SUBMIT THIS FORM FULLY COMPLETED

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c. 62C, Section 49A, I certify under penalties of perjury that I, to my best knowledge and belief, have filed all Massachusetts tax returns and paid all Massachusetts taxes required under law, as well as paid all contributions and payments in lieu of contributions pursuant to M.G.L., c. 151A, Section 19A(b).

I further certify that I have complied with all federal, state and local laws relating to taxes, including but not limited to the withholding and reporting of any income taxes for employees and contractors, and the withholding and remittance of child support.

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Signature

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Social Security or Federal ID No.

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Date

BIDDERS/RESPONDENTS MUST SUBMIT THIS FORM FULLY COMPLETED

WAGE THEFT CERTIFICATION

Pursuant to M.G.L. c. 149, M.G.L. c. 151, I certify under penalties of perjury that, neither this Company nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, administrative citation, final administrative determination, order or debarment resulting from a violation of M.G.L. c. 149, M.G.L. c. 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three (3) years prior to the date of the Contract.

Or I certify that this Company has provided copies of any and all of the above to the City prior to the date of the Contract and any required wage bond or insurance; and certifies that while the Contract is in effect, it will report any instance of the above to the City within five (5) days of the Contractor's receipt.

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Signature

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Social Security or Federal ID No.

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Date

**BIDDERS/RESPONDENTS MUST SUBMIT THIS FORM FULLY COMPLETED**

City of Chelsea  
**Conflict of Interest Law**  
Compliance Statement and Requirements for Vendors

On July 1, 2009, the Legislature enacted Chapter 28 of the Acts of 2009 which made changes to Mass. General Laws c. 268A and c. 268B, the Massachusetts' Conflict of Interest Law. On November 9, 2009, the Chelsea City Council designated the Chelsea City Solicitor as the Municipal Liaison to the State Ethics Commission and responsible for the facilitation of Chelsea's obligation to comply with the changes in the law.

The City has a requirement for compliance, which is to make sure that all municipal elected officials, board and commission members, and employees **including vendors** are provided copies of the Summaries of the Ethics Laws.

Enclosed is a packet that should be copied and provide to each one of your employees who are assigned to work in Chelsea; including yourself. At the end of the summary is an acknowledgement of receipt of the summary. The acknowledgments must be submitted along with any purchase order or contract with the City of Chelsea. All documents pursuant to this new law will be kept on file in the City Clerk's Office

The Procurement Officer will contact you directly, if there is a determination that you or your staff should undergo the Conflict of Interest Online Training Program.

If you have any questions, feel free to contact the Chelsea City Solicitor at 617-466-4150 as soon as possible.

# Summary of the Conflict of Interest Law for Municipal Employees

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This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

## **I. Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

## **II. On-the-job restrictions.**

### **(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation* : A town administrator accepts reduced rental payments from developers.

*Example of violation* : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions** . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation* : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation* : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation* : A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation* : A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

*Example of violation* : A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

*Example of violation* : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

*Example of violation* : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

**Example :** A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

**Example where there is no violation :** An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

**Example of violation :** A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation* : A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

**III. After-hours restrictions.**

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example* : A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other**

**than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

***Example of violation*** : A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

***Example of violation*** : A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the

matter, and the matter is not now, and has not within the past year been, under his official responsibility.

*Example* : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example* : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

*Example of violation* : Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation* : A selectman buys a surplus truck from the town DPW.

*Example of violation* : A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation* : A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

#### **IV. After you leave municipal employment. (See Section 18)**

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation* : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example* : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example* : While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

*Example* : A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

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This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

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