



GLENN A. CUNHA
INSPECTOR GENERAL

The Commonwealth of Massachusetts

Office of the Inspector General

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February 15, 2022

Via Email

Matthew Costa, City Solicitor
City of Taunton Law Dept.
15 Summer Street
Taunton, MA 02780
MCosta@taunton-ma.gov

Re: Procurement of a Sludge Treatment Facility

Dear Attorney Costa:

We have been made aware of a letter from your office to Members of the Taunton Municipal Council dated February 10, 2022, in which you make certain inaccurate representations with respect to communications between the Office of the Inspector General (OIG) and your office. We write to address these mischaracterizations.

You inaccurately represent that following the issuance of an RFIQ the OIG “requested that [Taunton] consider issuing a request for proposals on sludge disposal.” In fact, the OIG issued a letter to your office dated June 4, 2021, informing you that a request for proposal [RFP] type procurement process was required by law to comply with Chapter 30B, except for sections specifically identified in a 1996 Special Legislative Act.¹ The RFIQ issued by Taunton did not comply with the applicable law.

You also inaccurately represent that “the Inspector General’s office has recently reviewed the steps we have taken with the Request for Proposals and the response submitted by Aries Taunton, LLC, and did not find any deficiencies with the same.” In fact, at your request the OIG reviewed the subsequent RFP in July 2021 and identified several possible violations of Chapter 30B, which were outlined in a letter to your office dated July 30, 2021. Your office subsequently wrote the OIG on October 5, 2021 to express that you disagreed with the OIG’s conclusions, and advised that “[t]he City intends to accept the proposal made by the only company that submitted a proposal in response to the RFP.” It is inaccurate for you to construe the absence of a response to

¹ St. 1996, c. 362, *An Act Authorizing the City of Taunton to Enter into Contracts for the Operation and Maintenance, Lease, or Sale and Modification of the Wastewater Treatment Plant, Sewers and Pump Station.*

Matthew Costa, City Solicitor

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your October 2021 rebuttal as the OIG having found “no deficiencies” in the RFP, given those possible violations identified explicitly in the July 30, 2021 letter. Contrary to the representation in your letter of February 10, 2022, the OIG has at no point given tacit or express approval for the City’s procurement at issue here.

In January 2022, the OIG met with you to caution you on any long-term contract that would be generated by this process and provided suggestions on how Taunton’s interests might be better protected and managed through any contract entered into by the City with respect to the RFP. Again, the fact of this meeting does not constitute tacit approval of the procurement, the RFP itself or any subsequent contract, particularly given the possible violations of Chapter 30B that the OIG had previously identified. This letter and our prior correspondence show that your February 10, 2022 letter inaccurately characterizes the engagement of the OIG. We expect that you will affirmatively correct the record.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Cohen".

Neil Cohen, Director

Regulatory and Compliance Division

cc: Shaunna O’Connell, Mayor (via email at SOConnell@taunton-ma.gov)
Phillip Duarte, Council President (via email at PDuarte@taunton-ma.gov)