SENATE DOCKET, NO. 708 FILED ON: 1/17/2013

# SENATE . . . . . No. 1478

The Commonwealth of Massachusetts

PRESENTED BY:

***Eileen M. Donoghue***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to further define fraud in public construction contracts.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Eileen M. Donoghue* | *First Middlesex* |
| *James Arciero* | *2nd Middlesex* |
| *Angelo L. D'Emilia* | *8th Plymouth* |
| *Linda Campbell* | *15th Essex* |

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# SENATE . . . . . No. 1478

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 1478) of Eileen M. Donoghue, James Arciero, Angelo L. D'Emilia and Linda Campbell for legislation to further define fraud in public construction contracts. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

An Act to further define fraud in public construction contracts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Subsection (a) of section 39M of chapter 30 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 21 to 23, the words “The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person” and inserting in place thereof the following words:-

The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion with any other person or entity or fraud. As used in this paragraph the word “fraud” shall mean a statement, act or omission relating to a material fact of significant importance to the construction project at issue that (i) has been relied upon to detriment of an awarding authority or its representatives (ii) is knowingly false or misleading or is in reckless disregard of its truth or falsity and (iii) is intended to mislead and has been shown by clear and convincing evidence to have done so.