SENATE DOCKET, NO. 40 FILED ON: 1/13/2011

SENATE . . . . . No. 1571

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 authorizing an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Stephen Stat Smith	*28th Middlesex*

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By Mr. DiDomenico, petition (accompanied by bill, Senate, No. 1571) of Sal N. DiDomenico and Stephen Stat Smith for legislation to authorize an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett [Joint Committee on State Administration and Regulatory Oversight].

The Commonwealth of Massachusetts

An Act authorizing an alternative mode of design and construction for the rehabilitation of a sewer interceptor in the city of Everett.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize an alternative method of design and construction for the rehabilitation of an active sewer interceptor of the Massachusetts Water Resources Authority so that its rehabilitation may be coordinated with the development of an approximately forty acre business park, including a public multi-use path and a scenic overlook to the Malden River waterfront, and which is intended to provide economic benefits, including employment opportunities for the residents of the Commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding the provisions of sections 38A 1/2 to 380, inclusive, of chapter 7 of the General Laws, the provisions of sections 44A through 44M, inclusive, of chapter 149 of the General Laws, the provisions of section 39M of chapter 30 of the General Laws, the provisions of section 14 of Chapter 149A, or any other general or special law or regulation providing for, or relating to the planning, design, construction or improvements to real property, the Massachusetts Water Resources Authority is hereby authorized to utilize such alternative means of procurement for the design and construction, as the authority determines to be reasonable and prudent in the circumstances of a project involving the rehabilitation of approximately 1,800 feet of brick sewer interceptor, including manholes, siphon chamber and connecting structures, known as Section 156 Sewer Interceptor, within the city of Everett between the Malden River and Air Force Road, together with such appurtenances as it deems necessary, given that the rehabilitation of Section 156 must be coordinated with the construction of a project known as RiverGreen Technology Park, a multi-use industrial, office, research and

14 development center, which will include the construction of a multi-use public path and a scenic
15 overlook connecting the City of Everett Park to the Malden River Waterfront, but shall publicly
16 advertise any form of solicitation within the COMPASS system and in the central register not
17 less than 2 weeks before statements of qualifications, bids or proposals are due. The authority
18 shall either retain the services of an owner's representative, using the authority's existing
19 procurement methods for professional services, or establish a staff position for an owner's
20 representative, who shall advise the authority during the development of design and construction
21 standards and provide other appropriate advice for the project.

22 Design and construction contractors for the above project shall be required to pay the
23 prevailing wage rates in accordance with the provisions of sections 26 to 27H inclusive of
24 chapter 149 of the General Laws that would be applicable as if the contracts were to be awarded
25 under the aforesaid provisions of the General Laws and shall further be required to certified that
26 it is able to furnish labor that can work in harmony with all other elements of labor employed or
27 to be employed in the project.