SENATE DOCKET, NO. 497 FILED ON: 1/15/2015

SENATE . . . . . No. 1644

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 adoption of the accompanying bill:

An Act relative to timely decisions by awarding authorities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	*Worcester and Middlesex*

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SENATE . . . . . No. 1644

By Ms. Flanagan, a petition (accompanied by bill, Senate, No. 1644) of Jennifer L. Flanagan for legislation relative to timely decisions by awarding authorities. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1487* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to timely decisions by awarding authorities.

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. Chapter 30 of the General Laws is hereby amended by striking out section 39P and inserting in place thereof the following section:-

Section 39P. (a) Every contract subject to section 39M or section 44A of chapter 149 which requires the awarding authority, any official, its architect or engineer to make a decision on interpretation of the specifications, approval of equipment, material or any other approval, or progress of the work, shall require that the decision be made promptly and, in any event, not later than 15 days after the written submission for decision? but if such decision requires extended investigation and study, the awarding authority, the official, architect or engineer shall, within said 15 days after the receipt of the submission, give the party making the submission written notice of the reasons why the decision cannot be made within the 15 day period and the date by

11 which the decision shall be made. The awarding authority shall designate 1 or more employees to
12 address inquiries from contractors regarding the status of such written submissions for decision,
13 and the employee or employees shall, upon written request, certify that the awarding authority
14 has taken all reasonable steps to expedite the decision. Such certification shall be provided in
15 writing within 5 business days of receiving such written request from a contractor.

16 (b) The awarding authority shall implement a reporting system which shall track written
17 submissions for decision and the awarding authority's responses thereto. The reporting system
18 shall include, but not be limited to: the date each written submission for decision was submitted
19 to the awarding authority; the date that a decision was made by the awarding authority; the date
20 that the decision was provided to the party submitting the written submission for decision; the
21 issue being addressed by the decision; and any approval or concurrence required from a federal
22 agency, the commonwealth or any political subdivision thereof. Any failure to make a decision
23 within 15 days of a written submission shall be included in the reporting system, the reason for
24 failure to timely respond, the final date a decision was made and the date the decision was
25 provided to the party submitting the written submission for decision.

26 (c) The awarding authority shall compile, twice yearly, a report that shall include all data
27 required pursuant to subsection (b) over the most recent 6-month period, the first of which shall
28 be filed not later than May 1, and the second not later than November 1. These reports shall be
29 filed with the clerks of the senate and house of representatives, the chairs of the house and senate
30 committees on ways and means, the senate and house chairs of the joint committees on
31 transportation and state administration and regulatory oversight and the inspector general. The
32 inspector general may, pursuant to the powers granted by section 9 of chapter 12A, make any
33 investigations, audits or reports regarding the filings submitted by the awarding authorities.