

HOUSE No. 2968

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to price adjustment..

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

1 Section 39O of chapter 30, as appearing in the 2006 Official Edition, is hereby amended
2 by adding the following paragraph at the end thereof:

3 Notwithstanding any general or special law to the contrary, contract,s awarded as a result
4 of proposals or invitation for bids issued under sections 38A½ to 38O, inclusive, of chapter 7;
5 section 11C of chapter 25A; section 39M of this chapter; and sections 44A to 44H, inclusive, of
6 chapter 149, exceeding \$100,000 shall include a price adjustment clause for each of the
7 following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each
8 material shall be set by the awarding authority or agency and included in the bid documents at
9 the time a project is advertised. The awarding authority or agency shall also identify in the bid
10 documents the price index to be used for each material or supply. The adjustment clause shall
11 provide for a contract adjustment to be made on a monthly basis when the monthly cost change
12 exceeds +/- 5 per cent.