

HOUSE No. 2982

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the standard contractor evaluation forms submitted to the division of capital asset management and maintenance..

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 1. Section 44D of Chapter 149 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out subsection (7) and inserting in place thereof
3 the following subsection:—

4 (7) The division of capital asset management and maintenance shall develop a standard
5 contractor evaluation form that shall be completed by every public agency, upon completion of a
6 building project under its control, and submitted to said division for the contractor’s qualification
7 file. The standard contractor evaluation form shall be completed by the public agency and
8 submitted to said division prior to the issuance of any certificate permitting

9 occupancy of any said building. The public agency official, or the architect or engineer
10 responsible for the oversight of the building construction contract, shall certify that the
11 information contained

12 on the contractor evaluation form represents, to the best of his knowledge, a true analysis
13 of the contractor’s performance record on that contract. The public agency shall mail a copy of

14 the contractor evaluation form to the contractor and the contractor may within thirty days, submit
15 a written response to said division disputing

16 any information contained within the evaluation form. No public employee or public
17 employer as defined in section two of chapter two hundred fifty-eight, and no architect or
18 engineer shall be personally liable for any injury or loss to any contractor as a result of the
19 completion of a contractor evaluation form as required by this section unless the individual
20 completing such evaluation form acted in a grossly negligent or malicious manner.

21 In determining which is the most advantageous offer, the awarding authority shall
22 consider the information submitted by the offerors on the update statement.