

**HOUSE . . . . . No. 3054**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to ensuring public entities are not injured by long term contracts ..

*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 12 of chapter 30B of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking out the first paragraph and replacing it with the  
3 following new paragraph:-

4 “(a) Unless otherwise provided by law and subject to paragraph (b), a governmental body  
5 may not enter into a contract for a period of time exceeding five consecutive years, including  
6 renewals. The procurement officer shall not enter into a contract unless funds are available for  
7 the first fiscal year at the time of contracting. Payment and performance obligations for  
8 succeeding fiscal years shall depend on the availability and appropriation of funds. If an  
9 awarding authority determines it is in its best interests to have a contract for a period of longer  
10 than five years, including renewals, the awarding authority shall seek the written approval of the  
11 state auditor before the issuance of any such request for proposals.