

HOUSE No. 4056

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to a new public safety facility lease in the town of Burlington..

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. Notwithstanding of any general or special law to the contrary, the town of
2 Burlington may enter into a lease of land for a new public safety facility. Said lease may be a
3 ground lease of the land only, or the lease may provide for the financing, design and construction
4 of a new public safety facility by a party or the parties, or a combination thereof. The
5 construction of a new public safety facility under a lease awarded pursuant to this section shall
6 not be subject to the competitive bid requirements set forth in sections 38A½ to 38O, inclusive,
7 of chapter 7, section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the
8 General Laws, but each such lease shall be awarded pursuant to section 16 of chapter 30B of the
9 General Laws. The town is hereby authorized to borrow for the construction of a new public
10 safety facility pursuant to section 7 of chapter 44 of the General Laws on land that is subject to
11 said lease pursuant to this act; provided said lease has a term of at least 20 years.

12 SECTION 2. The request for proposals for such lease shall specify the method for
13 comparing proposals to determine the proposal offering the lowest overall cost to the town
14 including, but not limited to, all capital financing. If the town awards a contract to an offeror

15 who did not submit the proposal offering the lowest overall cost, the town shall explain the
16 reason for the award in writing. Prior to the award of a lease that includes the construction of a
17 public safety facility under section 1, the town shall conduct an independent evaluation for the
18 purpose of comparing the overall cost of the lease, including the private financing of
19 construction, to the cost of procuring the new public safety facility pursuant to the applicable
20 General Laws.

21 SECTION 3. Notwithstanding of any general or special law to the contrary, the lease
22 awarded pursuant to section 1 may provide for a term not exceeding 50 years, and may include
23 an option or a right of first refusal for the town to acquire the land and the new public safety
24 facility at the termination of the lease. Any option or a right of first refusal shall be at the sole
25 discretion of the town of Burlington in accordance with the original terms and conditions set
26 forth in the request for proposals or terms and conditions more favorable to and acceptable to the
27 town. A lease entered into pursuant to this act may provide that the town shall not be exempt
28 from liability for payment over the term of the lease of the costs to finance, design and construct
29 the public safety facility.

30 SECTION 4. Subject to this act, any lease awarded hereunder shall be subject to such
31 additional terms and conditions as the town administrator and the board of selectmen of the town
32 shall determine to be in the best interests of the town and shall be authorized by a majority vote
33 of the board of selectmen, and a majority vote of town meeting.

34 SECTION 5. All contracts for the construction of the public safety facility may be
35 awarded by the selected offeror only to persons or entities whose bids or proposals are subject to
36 such persons or entities being signatory to a project labor agreement with the appropriate labor

37 organizations which shall include an obligation for such labor organizations and its constituent
38 members not to strike with respect to the work on such construction project and which shall also
39 establish uniform work rules and schedules for the project. Such project agreement shall be
40 entered into in order to facilitate the timely and efficient completion of the construction of the
41 public safety facility and to make available a ready and adequate supply of highly trained, skilled
42 craft workers who shall provide a negotiated commitment to assure labor stability and labor
43 peace over the life of this project. The applicable entity responsible for any construction of the
44 public safety facility shall designate a general contractor, project administrator or similar
45 construction firm which is familiar in the negotiation and administration of project labor
46 agreements to manage and oversee the construction of the project, including the development
47 and implementation of labor relations policies for the project, and to instruct such general
48 contractor, project administrator or other construction firm to negotiate a mutually agreeable
49 project labor agreement covering the above described work, unless the town determines that the
50 selected offeror responsible for constructing the public safety facility has sufficient experience
51 and qualifications, in which case the selected offeror may discharge the duties respecting the
52 project labor agreement.

53 SECTION 6. This act shall take effect upon its passage.