

HOUSE No. 4317

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Construction Contracts in the Town of Andover..

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. In the town of Andover, every procurement for the construction,
2 reconstruction, installation, demolition, maintenance or repair of any building by the town
3 estimated to cost less than \$5,000 shall be obtained through the exercise of sound business
4 practices. The town shall make and keep a record of each such procurement. Said record shall, at
5 a minimum, include the name and address of the person from whom the services were procured.
6 Written price quotations submitted in accordance with this subsection do not require bid
7 deposits.

8 Every contract for the construction, reconstruction, installation, demolition, maintenance
9 or repair of any building by the town estimated to cost not less than \$5,000 but less than \$10,000
10 shall be awarded to the responsible person offering to perform the contract at the lowest price
11 quotation; provided, however, that the town shall seek written price quotations from no fewer
12 than 3 persons customarily providing the work for which the contract is being made available.
13 When seeking written quotation, the town shall make and keep a record of the names and
14 addresses of all persons from whom price quotations were sought, the names of the persons

15 submitting price quotations and the date and amount of each price quotation. Written price
16 quotations submitted in accordance with this subsection do not require bid deposits.

17 Every contract for the construction, reconstruction, installation, demolition, maintenance
18 or repair of any building in the town of Andover estimated to cost not less than \$10,000 but not
19 more than \$25,000 shall be awarded to the responsible person offering to perform the contract at
20 the lowest price. The town shall make public notification of the contract and shall seek written
21 responses from persons who customarily perform such work. The public notification shall
22 include a scope of work statement that defines the work to be performed and provides potential
23 responders with sufficient information regarding the objectives and requirements of the public
24 agency and the time period within which the work is to be completed. For purposes of this
25 subsection, "public notification" shall include, but not necessarily be limited to, posting, no less
26 than 2 weeks before the time specified in the notification for the receipt of responses, the
27 contract and scope of work statement on the website of the public agency and, either on the
28 COMPASS system, so-called, or in the central register established under section 20A of chapter
29 9 of the General Laws, and in a conspicuous place in or near the primary office of the public
30 agency. Written price quotations submitted in accordance with this subsection do not require bid
31 deposits.

32 Every contract for the construction, reconstruction, installation, demolition,
33 maintenance or repair of any building in Andover estimated to cost more than \$25,000 but not
34 more than \$100,000 shall be awarded to the lowest responsible and eligible bidder on the basis of
35 competitive bids publicly opened and read in accordance with the procedure set forth in section
36 39M of chapter 30 of the General Laws. The term "pumping station" as used in this section shall

37 mean a building or other structure which houses solely pumps and appurtenant electrical and
38 plumbing fixtures.

39 Every contract for the construction, reconstruction, installation, demolition, maintenance
40 or repair of any building in the town of Andover estimated to cost more than \$100,000, except
41 for a pumping station, to be constructed, reconstructed, installed, demolished, maintained or
42 repaired as an integral part of a sewer construction or water construction project bid under the
43 provisions of said section 39M of said chapter 30, shall be awarded to the lowest responsible and
44 eligible general bidder on the basis of competitive bids in accordance with the procedures set
45 forth in sections 44A to 44H, inclusive of chapter 149 of the General Laws.

46 When the General Court has approved the use of an alternative mode of procurement of
47 construction for a project pursuant to section 7E of chapter 29 of the General Laws, the town
48 shall follow the policies and procedures of this section and of sections 44B to 44H, inclusive, of
49 said chapter 149 to the extent compatible with the mode of construction procurement selected.

50 Notwithstanding the foregoing paragraph, the town may undertake the procurement of
51 modular buildings in accordance with section 44E of chapter 149 of the General Laws. The
52 town may procure site work for modular buildings, including, but not limited to, construction of
53 foundations, installations, and attachment to external utilities, or any portion of site work, either
54 in combination with the procurement of modular buildings pursuant to said section 44E of said
55 chapter 149 or on the basis of competitive bids pursuant to the foregoing paragraph.

56 Notwithstanding the foregoing paragraph, the town may procure energy management services in
57 accordance with section 11C of chapter 25A of the General Laws and any regulations
58 promulgated thereunder.

SECTION 2. This act shall take effect upon its passage.