

**HOUSE . . . . . No. 4317**

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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 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.