

HOUSE No. 4432

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

AN ACT AUTHORIZING AN ALTERNATIVE MODE OF DESIGN AND CONSTRUCTION
FOR THE RELOCATION AND REPLACEMENT OF A WATER LINE UNDER THE
SAUGUS RIVER ..

*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 the provisions of sections 38A 1/2 to 38O, inclusive, of
2 chapter 7 of the General Laws, the provisions of sections 44A through 44M, inclusive, of chapter
3 149 of the General Laws, the provisions of section 39M of chapter 30 of the General Laws, the
4 provisions of section 14 of chapter 149A, or any other general or special law or regulation
5 providing for, or relating to the planning, design, construction or improvements to real property,
6 the Massachusetts water resources authority is hereby authorized to utilize such alternative
7 means of procurement for the design and construction, as the authority determines to be
8 reasonable and prudent in the circumstances, of a project involving the relocation and
9 replacement of an authority water line within the city of Lynn and the town of Saugus crossing
10 under the Saugus River, together with such appurtenances as it deems necessary, given that a
11 replacement line is made necessary by and must be coordinated with the removal of the existing
12 line so as to allow for both continuity of water service and for construction of planned bridge and
13 roadway facilities and improvements along state route 107 within said city now under design by

14 the Massachusetts department of transportation, but shall publicly advertise any form of
15 solicitation within the COMPASS system and in the central register not less than 2 weeks before
16 statements of qualifications, bids or proposals are due. The authority shall either retain the
17 services of an owner's representative, using the authority's existing procurement methods for
18 professional services, or establish a staff position for an owner's representative, who shall advise
19 the authority during the development of design and construction standards and provide other
20 appropriate advice for the project. Design and construction contractors for the above project shall
21 be required to pay the prevailing wage rates in accordance with the provisions of sections 26 to
22 27H inclusive of chapter 149 of the General Laws that would be applicable as if the contracts
23 were to be awarded under the aforesaid provisions of the General Laws and shall further be
24 required to certify that it is able to furnish labor that can work in harmony with all other elements
25 of labor employed or to be employed in the project.