

SENATE No. 1390

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Making Technical Corrections to Chapter 149A..

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 20 of Chapter 149A as inserted by 193 of the Acts of 2004 is hereby
2 amended by inserting the following new subsections after subsection 20(c):

3 20(d). Chapter 30, 39N shall apply to all Design Build contracts unless the awarding
4 authority provides notice in the Request for Qualifications (RFQ) that it shall not apply, in whole
5 or in part, to the particular project. In addition to providing said notice in the RFQ, the awarding
6 authority shall also provide sufficient details within the Request for Proposals (RFP) explaining
7 the responsibility of the design build entity for actual subsurface or latent physical conditions and
8 the extent to which Chapter 30, 39N does not apply to the particular project.

9 20(e). Sections 39(F), 39(O), 39(P) and 39(R) of chapter 30 of the general laws shall
10 apply to design build projects procured.