

SENATE No. 247

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to projects funded by the school building authority..

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 9 of Chapter 70B, as appearing in the 2006 Official Edition, is
2 hereby amended by adding at the end of subsection (a), the following:- (5) the applicant shall not
3 enter into a contract for design services unless the designer has obtained professional liability
4 insurance covering negligent errors, omissions and acts of the designer or of an person or
5 business entity for whose performance the designer is legally liable arising out of the
6 performance of the contract. Notwithstanding the provisions of Chapter 7 Section 38H
7 paragraph (f), the total amount of such insurance shall at a minimum equal fifty per cent of the
8 project's estimated cost of construction, or such larger amounts as the board may require, for the
9 applicable limitations. A designer required by the authority to obtain all or a portion of such
10 insurance coverage at his own expense shall furnish a certificate of certificates of insurance
11 coverage to the applicant prior to the award of the contract.