

SENATE No. 2494

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to timely decisions by awarding authorities.

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 39P of Chapter 30 of the General Laws is hereby amended by
2 striking out such section in its entirety and inserting in place thereof the following new section:

3 Section 39P. Every contract subject to section 39M of this chapter or section 44A of
4 chapter 149 which requires the awarding authority, any official, its architect or engineer to make
5 a decision on interpretation of the specifications, approval of equipment, material or any other
6 approval, or progress of the work, shall require that the decision be made promptly and, in any
7 event, no later than 15 days after the written submission for decision; but if such decision
8 requires extended investigation and study, the awarding authority, the official, architect or
9 engineer shall, within said 15 days after the receipt of the submission, give the party making the
10 submission written notice of the reasons why the decision cannot be made within the 15 day
11 period and the date by which the decision will be made. The awarding authority shall designate
12 an employee to be responsible for addressing inquiries from contractors regarding the status of
13 such written submissions for decision and said designee shall, upon written request, certify that
14 all reasonable steps have been taken by the awarding authority to expedite the decision. Said

15 certification shall be provided in writing within 5 business days of receiving such written request
16 from a contractor. The awarding authority also shall implement a reporting system which shall
17 track such written submissions for decision and the awarding authority's decisions thereon. The
18 reporting system shall include the date each written submission for decision was submitted, the
19 date such decision was made and was provided to the party submitting said written submission
20 for decision, and the specific issue being addressed by the decision. The reporting system shall
21 also track the awarding authority's written notices providing reasons why a decision has not been
22 made within the required 15 days and shall provide the final date such decision was made and
23 provided to the party submitting said written submission for decision. The awarding authority
24 shall submit the reports pursuant to this section on a quarterly basis, as well as a fiscal yearend
25 report not later than November 1 of each year, to the clerks of the senate and house of
26 representatives, the chairs of the house and senate committees on ways and means, the senate
27 and house chairs of the joint committees on transportation and state administration and
28 regulatory oversight, and the Inspector General. Said Inspector General shall, pursuant to the
29 powers granted by section 9 of chapter 12A of the General Laws, make any investigations, audits
30 or reports regarding the information provided by said awarding authorities as he or she deems
31 necessary.