

SENATE No. 600

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the leasing of land to the Pittsfield Family YMCA by Berkshire Community College..

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 any general or special law to the contrary, but subject to
2 section 40J of chapter 7 of the General laws, the commissioner of the division of capital assist
3 management and maintenance may in consultation with the board of higher education and
4 Berkshire Community college enter into a multi year lease with the Pittsfield Family YMCA of
5 campus facilities of said college.

6 SECTION 2. Any lease agreement entered into pursuant to this act by or on behalf of the
7 Commonwealth shall be on such terms and conditions as the division of capital asset
8 management and maintenance, in consultation with the board of higher education and Berkshire
9 Community college, deem appropriate. In furtherance and not in limitation of the foregoing, any
10 such lease agreement shall contain a provisions that required the lessee to carry comprehensive
11 general liability insurance with the Commonwealth named as a co-insured, protecting the
12 commonwealth against all personal injury or property damage on the parcel during the term of
13 the lease. The lessee shall indemnify and hold the Commonwealth and Berkshire Community

14 College harmless for any and all personal injury or property damage caused or suffered by the
15 lessee, its clients or agents.

16 SECTION 3. The lessee shall be responsible for all costs deemed necessary or
17 appropriate by the commissioner of the division of capital asset management and maintenance
18 for the transaction, including without limitation, all costs for legal work, survey, title and the
19 preparation of plans and specifications. The lessee shall also be responsible for any costs,
20 liabilities or expenses of any kind of the development, improvement, maintenance or operation
21 of the parcel as may be determined by the commissioner of capital asset management and
22 maintenance, in consultation with Berkshire Community College.

23 SECTION 4. The provisions of section 38A ½ to 380, inclusive, of chapter 7 and
24 sections 44A to 44J, inclusive, of chapter 149 of the General Laws, and any other general or
25 special law relating to the advertising, bidding or award of contracts, or to the procurement of
26 services or to the construction and design of buildings and other improvements on
27 Commonwealth property shall not be applicable to the lessee, except that the design of and plans
28 and specification for any buildings or other improvements to be constructed by the lessee shall
29 be subject to the review and approval of the division of capital asset management and
30 maintenance and Berkshire Community College.