

HOUSE No. 355**The Commonwealth of Massachusetts**

PRESENTED BY:

Tom Sannicandro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/18/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/26/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>1/27/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/1/2011</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>2/3/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>2/3/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/4/2011</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/4/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/4/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/4/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/4/2011</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>	<i>2/4/2011</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/4/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 355

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 355) of Tom Sannicandro and others relative to the procurement contracts of state universities. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process.

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 15 of chapter 73, as appearing in the 2010 Official Edition, is
2 hereby amended by adding after the first paragraph the following paragraph:

3 “Notwithstanding any other provision of law to the contrary neither the trustees or
4 officers of a state university designated by them nor any official of the Commonwealth shall
5 have authority to enter into any contract unless it provides that any rebates received by the
6 contractor as a consequence of or coincident to the contract be fully disclosed and turned over to
7 the college or university. Contracts that do not contain this language shall not be valid and the
8 college or university shall make no payment under such contract.”

9 SECTION 2. Section 13 of chapter 75, as appearing in the 2010 Official Edition, is
10 hereby amended by adding after the first paragraph the following paragraph:

11 “Notwithstanding any other provision of law to the contrary neither the trustees or
12 officers of the university designated by them nor any official of the Commonwealth shall have
13 authority to enter into any contract unless it provides that any rebates received by the contractor
14 as a consequence of or coincident to the contract be fully disclosed and turned over to the college
15 or university. Contracts that do not contain this language shall not be valid and the college or
16 university shall make no payment under such contract.”

17 SECTION 3. Section 22 of chapter 7, as appearing in the 2010 Official Edition, is hereby
18 amended by inserting after the first sentence in subsection (20) the following sentence:

19 “The undersigned also certifies under the penalties of perjury that to the extent that it
20 receives any rebates, direct or indirect, from any third party, as a consequence of this proposal or
21 the contract that codifies its acceptance, that such rebate will be fully disclosed and turned over
22 to the governmental body.”