HOUSE . . . . No. 822

The Commonwealth of Massachusetts

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PRESENTED BY:

Antonio F. D. Cabral

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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 relative to price adjustment.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Antonio F. D. Cabral	*13th Bristol*	*1/18/2011*

HOUSE . . . . No. 822

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 822) of Antonio F. D. Cabral for legislation to include a price adjustment clause in state awarded contracts. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2968* OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven

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An Act relative to price adjustment.

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 39O of chapter 30, as appearing in the 2008 Official Edition, is hereby amended

2   by adding the following paragraph at the end thereof:

3   Notwithstanding any general or special law to the contrary, contract,s awarded as a result

4   of proposals or invitation for bids issued under sections 38A½ to 38O, inclusive, of chapter 7;

5   section 11C of chapter 25A; section 39M of this chapter; and sections 44A to 44H, inclusive, of

6   chapter 149, exceeding $100,000 shall include a price adjustment clause for each of the

7   following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each

8   material shall be set by the awarding authority or agency and included in the bid documents at

9   the time a project is advertised. The awarding authority or agency shall also identify in the bid

10   documents the price index to be used for each material or supply. The adjustment clause shall

11   provide for a contract adjustment to be made on a monthly basis when the monthly cost change

12   exceeds +/- 5 per cent.