

SENATE No. 577

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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:
<i>Karen E. Spilka</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James B. Eldridge</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jennifer L. Flanagan</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>

SENATE No. 577

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 577) of Karen E. Spilka, Chris Walsh, James B. Eldridge, Sal N. DiDomenico and other members of the General Court for legislation to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process. Higher Education.

The Commonwealth of Massachusetts

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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 2008 Official
2 Edition, is hereby amended by adding after the first paragraph the following paragraph:

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

9 SECTION 2. Section 13 of chapter 75, as appearing in the 2008 Official
10 Edition, is hereby amended by adding after the first paragraph the following paragraph:

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

17 SECTION 3. Section 22 of chapter 7, as appearing in the 2008 Official Edition,
18 is hereby 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.”