

HOUSE No. 3366

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 public contract bidding.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>

HOUSE No. 3366

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 3366) of John H. Rogers, Christine E. Canavan and Cory Atkins relative to contracts for the construction of public school safety projects. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to public contract bidding.

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. Chapter 149 of the General Laws is hereby amended by inserting after
2 section 44A, the following section:-

3 Section 44A1/4. (A) Every contract or procurement for the construction, reconstruction,
4 installation, demolition, maintenance or repair of a school safety project or mechanism by a
5 public agency estimated to cost more than \$10,000 but less than \$25,000 shall be obtained
6 through the exercise of sound business practices; provided, however, that the public agency shall
7 make and keep a record of each such procurement; and provided further, that the record shall, at
8 a minimum, include the name and address of the person from whom the services were procured.

9 (B) Every contract for the construction, reconstruction, installation, demolition,
10 maintenance or repair of school safety project or mechanism estimated to cost more than \$25,000
11 but not more than \$100,000 shall be awarded to the responsible person offering to perform the
12 contract at the lowest price. The public agency shall make public notification of the contract and
13 shall seek written responses from persons who customarily perform such work. The public
14 notification shall include a scope-of-work statement that defines the work to be performed and
15 provides potential responders with sufficient information regarding the objectives and
16 requirements of the public agency and the time period within which the work shall be completed.
17 For the purposes of this paragraph, “public notification” shall include, but need not be limited to,
18 posting at least 2 weeks before the time specified in the notification for the receipt of responses,
19 the contract and scope-of- work statement on the website of the public agency, on the
20 COMPASS system, in the central register published pursuant to section 20A of chapter 9 and in
21 a conspicuous place in or near the primary office of the public agency.

22 (C) Every contract for the construction, reconstruction, installation, demolition,
23 maintenance or repair of any school safety project or mechanism by a public agency estimated to
24 cost more than \$100,000, shall be awarded to the lowest responsible and eligible bidder on the
25 basis of competitive bids publicly opened and read in accordance with the procedure set forth in
26 said section 39M of said chapter 30.

27 (D) The provisions of paragraphs (E) and (F) of subsection (2) and subsections (3), (4),
28 and (5) of section 44A of chapter 149 shall apply to this section.

29 SECTION 2. Paragraph (a) of subsection (2) of section 44A of said chapter 149 is hereby
30 amended by inserting after the word “building,” in line 46, the following words:- ,except a
31 school security project or mechanism.

32 SECTION 3. Paragraph (b) of said subsection (2) of said section 44A of said chapter 149
33 is hereby further amended by inserting after the word “building,” in line 54, the following
34 words:- , except a school security project or mechanism.

35 SECTION 4. Paragraph (c) of said subsection (2) of said section 44A of said chapter 149
36 is hereby further amended by inserting after the word “building,” in line 71, the following
37 words:- , except a school security project or mechanism.

38 SECTION 5. This act shall expire May 1, 2015.

39 SECTION 6. This act shall take effect upon passage.