HOUSE DOCKET, NO. FILED ON: 3/30/2013

HOUSE . . . . . No. 3379

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act financing improvements to the commonwealth's transportation system.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's transportation system, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for a program of transportation development and improvements, the sum set forth in section 2, for the several purposes and subject to the conditions specified in this act, is hereby made available, subject to the laws regulating the disbursement of public funds. The sum appropriated in this act shall be in addition to any amounts previously appropriated and made available for these purposes

SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6122-1223.. For the construction and reconstruction of town and county ways as described in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, however, that a city or town shall comply with the procedures established by the Massachusetts Department of Transportation; provided further, that a city or town may appropriate for these projects amounts not in excess of the amount provided to the city or town under this item, preliminary notice of which shall be provided by the department to the city or town not later than April 1 of each year; provided, further, that the appropriation shall be considered as an available fund upon approval of the commissioner of revenue under section 23 of chapter 59 of the General Laws; and provided, further, that the commonwealth shall reimburse

a city or town under this item, subject to the availability of funds as provided in section 9B of chapter 29 of the General Laws, within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department..... $300,000,000

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of $300,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Town and County Ways, Act of 2013, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Notwithstanding any other general or special law to the contrary, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 4. Notwithstanding any general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized in this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline; asphalt; concrete; and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material and supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.