

# SENATE . . . . . No. 2180

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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SENATE, Monday, June 9, 2014

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the House Bill relative to the expansion of the Boston Convention and Exhibition Center (House, No. 4111); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2180.

For the committee,  
Brian A. Joyce

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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1           SECTION 1. It is hereby found and declared that the Boston convention and exhibition  
2 center is not of sufficient size to attract and accommodate large national and international groups  
3 who wish to conduct conventions, exhibitions and other similar events within the commonwealth  
4 that are beneficial to the economic development of the commonwealth and the general welfare of  
5 its citizens. The commonwealth is losing substantial business from events that the Boston  
6 convention and exhibition center cannot accommodate thereby losing accompanying economic  
7 benefits. It is further found and declared that there is satisfactory evidence that a substantial  
8 number of national and international conventions would locate their activities within the  
9 commonwealth if the Boston convention and exhibition center is expanded and that such  
10 expansion would continue to grow the commonwealth's presence in the convention and meeting  
11 industry putting the commonwealth at a competitive advantage resulting in more jobs, revenue  
12 and economic growth benefitting the entire commonwealth.

13           It is further found and declared that by attracting visitors to the commonwealth through  
14 the expansion of the Boston convention and exhibition center, it is expected that substantial  
15 economic activity will be stimulated in such tourism-related industries as hotels, restaurants,  
16 recreation, entertainment and retail sales. Stimulation of these industries will continue to promote  
17 the overall economic development of the commonwealth and will provide new and enhanced

18 employment opportunities. Expansion of the Boston convention and exhibition center also would  
19 enable the city of Boston and the commonwealth to have an enhanced presence in the national  
20 and international convention and meeting marketplace and would leverage events to support the  
21 commonwealth's other economic sectors including life sciences, medical, high tech and  
22 education.

23 It is further found and declared that the expansion of the Boston convention and  
24 exhibition center and the expenditure of public funds for such purpose as provided in this act are  
25 in furtherance of a public purpose and in the best interests of the commonwealth. Such expansion  
26 was contemplated by the General Court when the Boston convention and exhibition center was  
27 originally authorized, as evidenced by the acquisition of land for such expansion and the design  
28 of the Boston convention and exhibition center to accommodate such expansion.

29 SECTION 2. To provide for the expansion of the Boston convention and exhibition  
30 center, the sum set forth in this section is hereby made available, subject to the provisions of law  
31 regulating the disbursements of public funds and the approval thereof.

32 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

33 0101-0101 For the BCEC expansion project as defined in section 8; provided that  
34 amounts expended from this item shall be for the planning, development, construction and  
35 related costs of the BCEC expansion project in accordance with the provisions of section 11; and  
36 provided, further, that an amount not less than \$50,000,000 nor more than \$75,000,000 shall be  
37 available for use to assist in certain transportation projects, benefitting or related to the BCEC  
38 Expansion Project including the relocation of existing MassDOT facilities located on the  
39 expansion site and costs related thereto, and the transfer of land from MassDOT to the MCCA

40 for truck marshalling purposes, and including an amount not to exceed \$15,000,000 for the  
41 design and construction of a rail station project on the west side of the BCEC that would  
42 facilitate direct public transportation access through diesel multiple unit (DMU) vehicles, but  
43 only if MassDOT activates track 61 for that purpose; and provided, further, that the funds  
44 authorized by this item shall be expended only in accordance with the conditions provided in  
45 section 10(c) .....\$1,000,000,000

46 SECTION 3. The Massachusetts Convention Center Authority shall comply with section  
47 27H of chapter 149 of the General Laws, provided however that security guard services are also  
48 provided with prevailing wage.

49 SECTION 4. Subsection (e) of section 35 of said chapter 190 is hereby amended by  
50 inserting after the word “functions”, in line 3, the following words:-

51 Such contracts and agreements may include, without limiting the foregoing, partnership  
52 agreements including limited partnership agreements, joint ventures, participation agreements or  
53 equity investments. For the purposes of this subsection, “equity investments” shall mean shares  
54 in private entities, whether or not transferable or denominated stock, or interest of a limited  
55 partner in a limited partnership or membership interest in a limited liability company. With  
56 respect only to any contract or agreement authorized by the preceding two sentences, any  
57 documentary materials or data whatsoever made or received by a member or employee of the  
58 Authority and consisting of, or to the extent that such materials or data consist of, trade secrets or  
59 commercial or financial information regarding the operation of any business conducted by any  
60 private entity under contract with the Authority or regarding the competitive position of such  
61 private entity in a particular field of endeavor shall not be deemed public records of the

62 Authority and shall not be subject to section 10 of chapter 66 of the General Laws.  
63 Notwithstanding section 20 of chapter 30A of the General Laws, any discussion or consideration  
64 of such trade secrets or commercial or financial information may be held by members of the  
65 Authority in executive sessions closed to the public, but the purpose of any such executive  
66 session shall be set forth in the official minutes of the Authority and no business which is not  
67 directly related to such purpose shall be transacted nor shall any vote be taken during such  
68 executive session.

69 SECTION 5. As used in this act, the following words shall have the following meanings,  
70 unless the context clearly requires otherwise:

71 “Authority”, the Massachusetts Convention Center Authority, established pursuant to  
72 section 33 of chapter 190 of the acts of 1982, or, if said Authority shall be abolished, the board,  
73 body or commission succeeding to the principal functions thereof or to whom the powers given  
74 by this act to said Authority shall be given by law.

75 “BCEC expansion project”, the planning, design, acquisition, development, construction,  
76 expansion, rehabilitation, improvement, furnishing, equipping and finishing or any combination  
77 of the foregoing within the convention center development area of an approximately 1,300,000  
78 square foot expansion to the Boston convention and exhibition center containing approximately  
79 335,000 square feet of additional contiguous exhibition space and attendant meeting rooms,  
80 lecture rooms, ballrooms, multi-purpose space and related common areas for public circulation,  
81 service and support, together with all necessary and related furnishings, furniture, machinery,  
82 equipment, facilities, approaches, driveways, walkways, roadways, planting and landscaping  
83 associated therewith; the acquisition by the Authority in accordance with section 212 of chapter

84 139 of the acts of 2012 and this act, of lands and other property, or rights, air rights, sub-surface  
85 rights, easements, leases, ground leases and other interests in respect of lands and other property,  
86 adjacent to or within the general vicinity of the convention center development area to provide  
87 for parking facilities, truck marshalling areas and as sites for other facilities supporting the  
88 Boston convention and exhibition center, including without limitation, facilities constructed by  
89 lessees of the Authority and others to provide services or accommodations for the public within  
90 the BCEC Hotel Zone as defined in section 211 of chapter 139 of the acts of 2012 or where  
91 otherwise authorized or permitted by law; the demolition or removal of any buildings or  
92 structures within the convention center development area or on such lands or other property or  
93 interests therein so acquired, and site preparation, permitting and environmental remediation  
94 thereof; and the planning, design, acquisition, development, construction, equipping and  
95 finishing or any combination of the foregoing on a portion of such lands or other property or  
96 interests therein so acquired of 1 or more parking garages for persons presenting at or attending  
97 the Boston convention and exhibition center, or utilizing such public accommodations, and other  
98 members of the general public; and measures mitigating the local impact of the foregoing; in  
99 each case of a scale and scope generally consistent with the description thereof contained in the  
100 BCEC expansion project report.

101 “BCEC expansion project report”, the report, feasibility study and program pertaining to  
102 the BCEC expansion project delivered to the clerks of the senate and the house of representatives  
103 and the senate and house committees on ways and means on on November 19, 2013 in  
104 accordance with section 38N of chapter 190 of the acts of 1982.

105 “Boston convention and exhibition center”, the convention and exhibition center and  
106 related facilities so called, and all real and personal property associated therewith, owned and

107 operated by the Authority within the convention center development area and acquired,  
108 developed, constructed, improved, furnished, equipped and otherwise carried out in accordance  
109 with section 5 of chapter 152 of the acts of 1997. Whenever appropriate, such term shall also  
110 mean such convention and exhibition center as expanded in accordance with this act.

111 “City”, the city of Boston.

112 “Convention center development area”, the area within the city of Boston bounded and  
113 described as follows: beginning at the intersection of the eastern boundary of the South Boston  
114 Bypass Road, and the southern boundary of Summer Street, thence easterly along the southern  
115 boundary of Summer Street to the intersection of the western boundary of D Street, then  
116 southerly along the western boundary of D Street to the centerline of Cypher Street, then  
117 westerly along the centerline of Cypher Street with a line extended to the eastern boundary of the  
118 South Boston Bypass Road, and then northerly along the eastern boundary of the South Boston  
119 Bypass Road to the point of beginning.

120 “Convention center fund”, the Convention and Exhibition Fund established by section 10  
121 of chapter 152 of the acts of 1997.

122 “Cost”, as applied to the BCEC expansion project, all costs, whenever incurred, including  
123 without limitation reimbursement to the convention center fund of any such costs heretofore  
124 funded from amounts applied to such purposes pursuant to section 212 of chapter 139 of the acts  
125 of 2012 and subsection (c) of section 10 of chapter 152 of the acts of 1997 of acquiring,  
126 developing, constructing, improving, furnishing, equipping, finishing and carrying out the BCEC  
127 expansion project, including without limiting the generality of the foregoing, the costs of all  
128 labor, materials, machinery and equipment necessary to carry out the BCEC expansion project,

129 the costs of all lands and other property, and all rights, air rights, sub-surface rights, easements,  
130 leases, ground leases and other interests in lands and other property, acquired by the Authority in  
131 connection with the BCEC expansion project and costs of environmental investigation and  
132 analyses and remediation, site preparation and other development costs thereof and of the  
133 facilities constructed thereon, the costs of permitting, inspection and licensure and of measures  
134 mitigating the local impact of the BCEC expansion project, the costs of demolition and removal  
135 of any buildings or structures within the convention center development area or on such lands,  
136 property, rights and interests so acquired and removal or relocation of any public utilities and  
137 other facilities thereon, the costs of architectural, engineering and legal services, plans,  
138 specifications, surveys, estimates of cost and of revenues, including without limitation, the  
139 BCEC expansion project report, other expenses necessary or incident to determining the  
140 feasibility or practicability of the BCEC expansion project, administrative, marketing and  
141 promotion expenses, and financing charges, interest prior to and during construction and for a  
142 period not exceeding 2 years after completion of construction, reserves for debt service, and such  
143 other capital and current expenses as may be necessary or incident to the construction or  
144 acquisition of the BCEC expansion project, the financing thereof and the issuance of bonds or  
145 notes by the commonwealth pursuant to the provisions of this act.

146 “Minority business enterprise” or “MBE” shall have the same meaning as found in  
147 section 6 of chapter 7C of the General Laws;

148 “Women business enterprise” or “WBE” shall have the same meaning as found in section  
149 6 of chapter 7C of the General Laws;

150 “Service-disabled veterans –owned small business enterprise” or “SDVOBE” shall have  
151 the same meaning as found in section 61 of Chapter 7 of the General Laws.

152 SECTION 6. (a) The Authority may acquire, develop, lease, construct, improve, furnish,  
153 equip, finish and otherwise carry out the BCEC expansion project, and to own, operate, lease,  
154 sub-lease, license, promote, maintain, improve and rehabilitate the same, either directly or  
155 indirectly in whole or in part through agents, lessees, contractors, concessionaires or others,  
156 subject to the provisions of this act.

157 (b) The Authority may acquire such lands, properties, rights, air rights, sub-surface  
158 rights, easements, leases, ground leases and other interests identified in the BCEC expansion  
159 project report as the Authority deems necessary, appropriate or convenient to carry out the  
160 purposes of this act. To carry out and effectuate the foregoing purposes, the Authority may  
161 acquire by purchase, lease, gift, bequest, grant or otherwise from any party, public or private, and  
162 hold, clear, repair, operate, lease and convey, any lands and other property, real or personal,  
163 improved or unimproved, tangible or intangible, and any interest therein, including, to the extent  
164 not inconsistent with federal law, railroad properties. To the extent not inconsistent with federal  
165 law, the acquisition by the Authority of railroad rights-of-way or related facilities as aforesaid  
166 from any department, authority, agency or political subdivision of the commonwealth, from any  
167 railroad company, or from any other party, shall be exempt from the procedures, findings and  
168 requirements of section 7 of chapter 161C of the General Laws, and the issuance of any permit  
169 for any portion of the BCEC expansion project or for facilities constructed by lessees of the  
170 Authority and others as a part thereof on any lands formerly used as a railroad right-of-way or  
171 any property appurtenant thereto formerly used by any railroad company in the commonwealth  
172 shall be exempt from the provisions of section 54A of chapter 40 of the General Laws.

173 (c) Notwithstanding the provisions of any general or special law, rule or regulation to the  
174 contrary, the commissioner of public safety or his designee in the division of inspection of the  
175 department of public safety shall be solely responsible for inspection, enforcement, permitting  
176 and licensure of the BCEC expansion project authorized or required by chapter 143 of the  
177 General Laws or section 21 of chapter 40 of the General Laws and regulations referred to therein  
178 or adopted pursuant thereto. The BCEC expansion project shall be exempt from compliance with  
179 the city's zoning code and any regulations promulgated thereunder; provided, however, the  
180 Authority shall subject the BCEC expansion project to large project review as set forth in  
181 subsections 1-5 of section 80B-3 of the city's zoning code.

182 (d) The Authority may prepare or cause to be prepared a report regarding the BCEC  
183 expansion project in accordance with section 62B of chapter 30 of the General Laws.; provided  
184 however, notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the  
185 Authority may commence and undertake research, planning, design and other work necessary for  
186 the BCEC expansion project and may engage an owner's project manager, architects and  
187 engineers and a construction manager therefor as provided in section 10 of this act, and may take  
188 all actions necessary or appropriate or required for acquisition of lands or other property, rights,  
189 air rights, sub-surface rights, easements, leases, ground leases and other interests as provided in  
190 this section, prior to the publication of a final environmental impact report pursuant to this  
191 section and section 62C of said chapter 30.

192 SECTION 7. (a) In undertaking the BCEC expansion project, the Authority shall  
193 establish: (i) a supplier diversity program designed and implemented to achieve meaningful  
194 participation on the part of minority business enterprises, service-disabled veteran-owned small  
195 business enterprises and women business enterprises in all phases of the management and

196 oversight, design and construction of the BCEC expansion project and which incorporates the  
197 provisions of this subsection and clause (iii) of subsection (c); (ii) a workforce diversity program  
198 designed and implemented to achieve meaningful participation of Boston residents, minority  
199 persons and women as construction employees pursuant to clause (ii) of subsection (c); and (iii)  
200 a construction workforce training program designed and implemented to provide access and  
201 training to those traditionally under-represented in the construction trades, including minority  
202 persons and women. The Authority shall engage an owner's project management team for the  
203 BCEC expansion project in accordance with the manner of selecting an owner's project manager  
204 pursuant to section 44A1/2 of chapter 149 of the General Laws. In selecting an owner's project  
205 management team, the Authority shall establish a selection process that encourages the  
206 participation of a minority business enterprise, a service-disabled veteran-owned small business  
207 enterprises or a women businesses enterprise as part of the owner's project management team.  
208 The owner's project management team will serve as the Authority's agent and consultant during  
209 the planning, design and construction of the BCEC expansion project. The Authority shall select  
210 architects and other design professionals for the BCEC expansion project in accordance with the  
211 procedures approved by the designer selection board of the executive office for administration  
212 and finance; provided, that prior to and in the selection of said architects and design  
213 professionals, the Authority shall adopt participation goals that provide for the meaningful  
214 participation of minority business enterprises, service-disabled veteran-owned small business  
215 enterprises and women business enterprises as architects and design professionals; provided  
216 further , that said participation goals shall be equal to the combined participation goals for  
217 minority business enterprises and women business enterprises on design projects as established

218 by the division of capital asset management and maintenance pursuant to section 6 of chapter 7C  
219 of the General Laws and in effect as of January 1, 2013.

220 (b) Notwithstanding any general or special law to the contrary, the Authority shall utilize  
221 the construction manager at risk approach in construction of the BCEC expansion project as  
222 provided in subsections (f) and (g) of section 5 of chapter 152 of the acts of 1997 and shall  
223 select trade contractors for the BCEC expansion project as provided in said subsection (h) of said  
224 section 5, and in each case in accordance with the procedures previously adopted by the  
225 Authority for construction of the Boston convention and exhibition center in consultation with  
226 the commissioner of capital asset management and maintenance and with the review and  
227 approval of the inspector general of the commonwealth pursuant to subsections (b) and (f) of  
228 said section 5; provided, that: (i) the responsibilities assigned to a technical advisory board in  
229 said subsection (f) of said section 5 shall be performed by a selection committee appointed by the  
230 Authority which, in consultation with the Authority, shall determine the procedures to be applied  
231 in selection of a construction manager for the BCEC expansion project; and (ii) the decisions of  
232 such selection committee, and the decisions of the trade contractor prequalification committee  
233 appointed by the Authority in accordance with said subsection (h) of said section 5, shall be final  
234 and not subject to appeal except on grounds of fraud or collusion. The Authority shall consult  
235 with the division of capital asset management and maintenance and the inspector general with  
236 respect to any modifications to the procedures for selection of a construction manager or the  
237 procedures for selection of trade contractors as previously adopted and utilized for the  
238 construction of the Boston convention and exhibition center pursuant to said section 5; provided,  
239 however, that the division of capital asset management and maintenance shall otherwise have no  
240 jurisdiction over the BCEC expansion project. The Authority shall submit to the inspector

241 general of the commonwealth a proposed procurement plan for the advertising, procurement,  
242 bidding and awarding of contracts for the lease of land and construction of facilities by lessees of  
243 the authority and others to provide hotel accommodations of between twelve-hundred and  
244 fifteen-hundred additional hotel rooms within the BCEC Hotel Zone under up to a 99-year lease.  
245 Said procurement plan shall include a two-stage procurement process comprised of a  
246 qualification stage resulting in the selection of at least three qualified proposers to participate in a  
247 second and final RFP stage. Said plan shall set forth all requirements necessary for development  
248 entities and hotel operators to qualify for final contract award, including but not limited to  
249 project financing experience, project ownership experience, hotel operating experience, financial  
250 condition, and commitment to minority-owned, service disabled veteran, and women-owned  
251 business inclusion. Said plan shall provide for a second and final RFP stage requiring proposers  
252 to submit project designs and financial proposals including construction, base, and percentage  
253 rent in a manner set forth in the RFP that will allow the net present value of financial proposals  
254 to be computed and compared in a manner precisely specified in the RFP. The procurement plan  
255 shall provide for the contract to be awarded to the proposal that offers the highest net present  
256 value as set forth in the RFP, unless a contrary award is deemed in the best interest of the  
257 taxpayers through an express written finding of the Inspector General. The procurement plan  
258 shall include no form of public subsidy and the resultant contract shall include no form of public  
259 subsidy, excepting a below market ground rent or any incentives offered by the city of Boston,  
260 unless otherwise authorized by an act of the general court. Upon review and approval of the  
261 inspector general of the commonwealth, the Authority is authorized to utilize said procurement  
262 plan for the purposes set forth in this section for the lease of land and construction of hotel  
263 facilities.

264 (c) Except as otherwise agreed to between the Authority and the construction manager,  
265 all contracts for the provision of labor, material and equipment in connection with the  
266 construction of the BCEC expansion project shall be entered into by and between the  
267 construction manager and the trade contractor as provided in subsection (h) of section 5 of  
268 chapter 152 of the acts of 1997;, provided, that the purchase of tangible personal property and  
269 services for the BCEC expansion project by the construction manager and by trade contractors  
270 shall be exempt from the excise imposed by chapter 64H of the General Laws. The provisions  
271 set forth in said subsection (h) of said section 5 pertaining to construction employees shall also  
272 apply to the BCEC expansion project. The provisions of sections 26 to 27F, inclusive, and  
273 section 29 of chapter 149 of the General Laws shall apply to the contract between the Authority  
274 and the construction manager and all trade contracts awarded pursuant to this section, and in  
275 undertaking the BCEC expansion project: (i) all construction employees employed in the  
276 construction of the BCEC expansion project shall be paid no less than the wage rate established  
277 for such work pursuant to a project labor agreement with the appropriate labor organization or  
278 labor organizations, which includes a uniform grievance and arbitration procedure for the  
279 resolution of work-related disputes on job sites, mutually agreeable uniform work rules and  
280 schedules for the project, and an obligation for any labor organization and its constituent  
281 members contracted to work on the BCEC expansion project not to strike with respect to work  
282 on such project; provided, that it shall not be a precondition to the award of a contract that a  
283 bidder have previously entered into a collective bargaining agreement with a labor organization,  
284 but only that the bidder be willing to execute and comply with said project labor agreement for  
285 the BCEC expansion project if it is awarded a contract; (ii) pursuant to the workforce diversity  
286 program established pursuant to subsection (a), the Authority shall establish employment goals

287 that provide for the participation of Boston residents, minority persons, and women as  
288 construction employees in accordance with the Boston Residents Construction Employment  
289 Standards established pursuant to the city of Boston code, ordinances, section 12-10; (iii)  
290 pursuant to the supplier diversity program established pursuant to subsection (a), the Authority  
291 shall adopt contractor participation goals that provide for the meaningful participation of  
292 minority business enterprises and women business enterprises as construction contractors;  
293 provided further, that said participation goals shall be equal to the combined participation goals  
294 for minority business enterprises, service-disabled veteran-owned small business enterprises, and  
295 women business enterprises on public building projects as established by the division of capital  
296 asset management and maintenance pursuant to section 6 of chapter 7C of the General laws and  
297 in effect on January 1, 2013; and (iv) pursuant to the workforce training program established  
298 pursuant to subsection (a), the Authority shall develop and implement a program that provides  
299 training in construction-related trades to minority persons and women.

300 (d) Notwithstanding the provisions of subsection (b), the Authority may, by majority vote  
301 of its members, elect to use other methods provided under any general or special law for  
302 procuring design or construction services for portions of the BCEC expansion project, including  
303 the provisions of section 39M of chapter 30 of the General Laws, the provisions of section 44A  
304 to 44M, inclusive, of chapter 149 of the General Laws, or the provisions of chapter 149A of the  
305 General Laws; provided, that the provisions of subsections (a) and (c) shall apply to the BCEC  
306 expansion project regardless of the method utilized for procuring construction contracts. If the  
307 Authority elects to apply the provisions of said chapter 149A to a portion of the BCEC expansion  
308 project, the Authority shall be deemed to be an exempt agency within the meaning of subsection  
309 (d) of section 4 of said chapter 149A.

310 (e) In implementing the BCEC expansion project, the Authority shall prepare monthly  
311 reports which shall include, but not be limited to: (i) the total dollars expended on the BCEC  
312 expansion project to date; (ii) the number and type of contracts entered into to date; (iii) the  
313 number of contracts entered into with minority business enterprises; (iv) the number of contracts  
314 entered into with service-disabled veteran-owned small business enterprises; (v) the number of  
315 contracts entered into with women business enterprises ; (vi) the dollar value of contracts entered  
316 into with minority business enterprises; (vii) the dollar value of contracts entered into with  
317 service-disabled veteran-owned small enterprises; (viii) the dollar value of contracts entered into  
318 with women business enterprises; (ix) the total number of employees working on the project; (x)  
319 the total number of employees working on the project, broken down by race, ethnicity and  
320 gender; (xi) the total number of Boston residents working on the project. Said reports shall be  
321 submitted to the secretary of the executive office for administration and finance, the house and  
322 senate committees on ways and means, the clerks of the house and senate, and the house  
323 committee on bonding, capital expenditures and state assets; and (xii) the total number of hours  
324 worked on the project broken down by race, ethnicity and gender. The Authority shall post each  
325 quarterly report on its website.

326 (f) The Authority shall establish a monitoring committee, to be known as the access and  
327 opportunity committee, which shall meet quarterly, in a forum open to the public, to review the  
328 Authority's reports issued pursuant to subsection (e) of this section, monitor compliance with the  
329 provisions of subsections (a) and (c), and make recommendations to the Authority regarding the  
330 successful implementation of the supplier diversity program and workforce diversity program  
331 established pursuant to subsection (a). The Authority, in establishing the access and opportunity  
332 committee, shall ensure representation from, but not limited to, a representative of the

333 construction manager for the BCEC project, a representative of the owner’s project management  
334 team, representatives of the trade contractors performing work on the BCEC expansion project, a  
335 representative of the Massachusetts Minority Contractors Association, Inc., a representative of  
336 the Massachusetts Supplier Diversity Office, a representative of the Massachusetts Office of  
337 Access and Opportunities, a representative of the Veteran’s Business Council, the city councilor  
338 representing district 2 of the Boston city council or his designee, the state representative  
339 representing the fourth Suffolk district or his designee, the state senator representing the first  
340 Suffolk district or his designee, and representatives of local, community-based organizations.

341 SECTION 8: In the design and construction of the BCEC Expansion Project, the  
342 Authority shall achieve a minimum certification of “LEED Silver – New Construction” from the  
343 United States Green Building Council or equivalent certification from a similarly recognized  
344 organization issuing certification for compliance with environmental and sustainability  
345 guidelines for design and construction. In said design and construction, the Authority shall  
346 comply with the energy efficiency requirements of either: (1) the “Stretch Energy Code” so-  
347 called, as defined by the eighth edition of the Commonwealth of Massachusetts State Building  
348 Code, 780 CMR, (2) or the Massachusetts energy code in effect at the time of the application for  
349 building permit, whichever is more stringent. In the building operations and maintenance of  
350 BCEC structures constructed pursuant to Chapter 152 of the Acts of 1997, the Authority shall  
351 achieve a minimum certification of “LEED Silver - Existing Buildings” from the United States  
352 Green Building Council or equivalent certification from a similarly recognized organization  
353 issuing certification for compliance with environmental and sustainability guidelines for building  
354 operations and maintenance. In said building operations and maintenance, the Authority shall  
355 comply with the energy efficiency requirements of either: (1) the “Stretch Energy Code” so-

356 called, as defined by the eighth edition of the Commonwealth of Massachusetts State Building  
357 Code, 780 CMR, (2) or the Massachusetts energy code in effect at the time of the application for  
358 building permit, whichever is more stringent.

359 SECTION 9. (a) To meet the expenditures necessary to carry out the provisions of  
360 section 2, the state treasurer, upon request of the governor, may issue and sell bonds of the  
361 commonwealth in an amount to be specified by the governor from time to time, but not  
362 exceeding, in the aggregate, the sum of \$1,000,000,000; provided however that the state treasurer  
363 may issue and sell additional bonds for up to 10% of the bonded amount for the costs of issuance  
364 and to establish a debt service reserve fund, if in the opinion of the state treasurer such fund  
365 would increase the marketability of the bonds. All such bonds shall be special obligations of the  
366 commonwealth payable from the special receipts described in section 10 of chapter 152 of the  
367 acts of 1997 to the extent available and in any case payable solely from moneys credited to the  
368 convention center fund or otherwise pledged to such payment as provided in said section 10 and  
369 this act. Notwithstanding section 60A of chapter 29 of the General Laws or any other general or  
370 special law to the contrary, such bonds shall not be general obligations of the commonwealth.  
371 Such bonds shall be issued for such maximum term of years, not exceeding 30 years, as the  
372 governor may recommend to the general court in accordance with section 3 of Article LXII of  
373 the Amendments to the Constitution, but all such bonds shall be payable not later than June 30,  
374 2060.

375 (b) Bonds of the commonwealth may be issued under authority of this section in such  
376 manner and on such terms and conditions as the state treasurer, with the concurrence of the  
377 secretary of administration and finance, may determine in accordance with the provisions of this  
378 subsection and, to the extent not inconsistent with the provisions hereof, general law relative to

379 the issuance of bonds of the commonwealth. The provisions of section 11 of chapter 152 of the  
380 acts of 1997, including without limitation the Capital Reserve Fund established pursuant to said  
381 section 11, shall apply to such bonds and the security therefor to the same extent as such  
382 provisions apply to bonds of the commonwealth outstanding under said section 11; provided, that  
383 if so determined by the state treasurer, with the concurrence of the secretary of administration  
384 and finance, bonds issued under authority of this act may be issued on a parity with or  
385 subordinate to such outstanding bonds, and, if subordinate, with or without the benefit of the  
386 capital reserve fund. Earnings on investment of the proceeds of such bonds and on the proceeds  
387 of notes issued pursuant to section 12 shall be deposited in the convention center fund and  
388 applied to the purposes set forth in subsection (c) of section 10 of said chapter 152.

389 (c) As additional security for bonds of the commonwealth issued under authority of this  
390 section, the convention center fund, and all amounts on deposit from time to time therein, are  
391 hereby pledged to the payment of such bonds and, if so determined by the state treasurer with the  
392 concurrence of the secretary of administration and finance, to the payment of bonds outstanding  
393 under section 11 of chapter 152 of the acts of 1997, subject to the application of such amounts as  
394 provided in subsection (c) of section 10 of said chapter 152 and the trust agreement for such  
395 bonds. In order to further increase the marketability of such bonds, the commonwealth, if so  
396 determined by the state treasurer with the concurrence of the secretary of administration and  
397 finance, is hereby authorized to pledge all or any portion of the receipts from the excises  
398 imposed by section 3 of chapter 64G of the General Laws and section 22 of chapter 546 of the  
399 acts of 1969 upon the transfer of any room that are not otherwise deposited in the convention  
400 center fund pursuant to said section 10 of said chapter 152, or any other applicable law, as  
401 “additional pledged receipts” to further secure such bonds. Additional pledged receipts shall be

402 included as “special receipts”, as defined in subsection (b) of section 10 of chapter 152 of the  
403 acts of 1997, as amended, but only to the extent and as provided in the trust agreement for such  
404 bonds, and shall be thereafter applied in each fiscal year, subject to the terms of the trust  
405 agreement pursuant to which such bonds are issued, first, for purposes of paying debt service on  
406 such bonds or to the maintenance of the Capital Reserve Fund for such bonds established  
407 pursuant to subsection (c) of said section 11 of said chapter 152 and second, as otherwise  
408 provided by law.

409 (d) Any bonds issued under authority of this section, and any notes of the commonwealth  
410 issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities  
411 under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary,  
412 insurance company, financial institution or investment company may properly invest funds and  
413 shall be securities which may be deposited with any public custodian for any purpose for which  
414 the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the  
415 income therefrom, including any profit made on the sale thereof, shall at all times be free from  
416 taxation within the commonwealth.

417 SECTION 10. The state treasurer may borrow, from time to time, on the credit of the  
418 commonwealth such sums of money as may be necessary for the purposes of meeting payments  
419 as authorized by section 2 in anticipation of the receipt of proceeds of special obligation bonds of  
420 the commonwealth issued under authority of section 11, and may issue and renew, from time to  
421 time, notes of the commonwealth therefor, bearing interest payable at such time and at such rate  
422 as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed 1 or more  
423 times for such maximum term of years, not exceeding 5 years, as the governor may recommend  
424 to the general court in accordance with section 3 of Article LXII of the Amendments to the

425 Constitution; provided, however, that all such notes shall be payable not later than June 30, 2020.  
426 All interest on account of the principal of such notes shall be payable from the convention center  
427 fund. Notwithstanding any provision of this act to the contrary, notes and the interest thereon  
428 issued under the authority of this section, shall be general obligations of the commonwealth.

429 SECTION 11. Notwithstanding clause (v) of subsection (c) of section 10 of chapter 152  
430 of the acts of 1997 amounts held in the convention center fund that are determined by the state  
431 treasurer and the secretary of administration and finance to exceed the amount necessary to  
432 satisfy the sufficiency of such fund may be applied to defray the net cost of operations of the  
433 Authority, as defined in section 32 of chapter 190 of the acts of 1982, as amended, in an amount  
434 in fiscal year 2015 not exceeding \$24,000,000, in fiscal year 2016 not exceeding \$25,000,000, in  
435 fiscal year 2017 not exceeding \$26,000,000 and an amount not exceeding \$28,000,000 in fiscal  
436 year 2018 and in each fiscal year thereafter.

437 SECTION 12. The provisions of this act shall be deemed to provide an exclusive,  
438 additional, alternative and complete method for anything authorized herein and shall be deemed  
439 and construed to be supplemental and additional to, and not in derogation of, powers conferred  
440 upon the Authority; provided, however, that insofar as the provisions of this act are inconsistent  
441 with the provisions of any general or special law, administrative order or regulation or any  
442 limitation imposed by a corporate or municipal charter, the provisions of this act shall be  
443 controlling.

444 SECTION 13. If, at any time, additional pledged receipts, as defined in subsection (c) of  
445 section 11, are applied to pay debt service on bonds issued under the authority of section 11 or,  
446 if applicable, bonds outstanding under section 11 of chapter 152 of the acts of 1997 or to the

447 maintenance of the Capital Reserve Fund created under said chapter 152, the convention centers  
448 excise shall be increased, in the city of Boston only, until the amount deposited into the  
449 convention center fund from the increased excises shall be at least equal to the amount of  
450 additional pledged receipts so applied to pay debt service or to the maintenance of the Capital  
451 Reserve Fund, as so certified by the secretary of administration and finance; provided, however,  
452 that in no event shall the total amount of the excise imposed pursuant to sections 3 and 3A of  
453 chapter 64G of the General Laws and section 22 of chapter 546 of the acts of 1969 exceed 14 per  
454 cent. Amounts so received from the increased excises arising from the use of additional pledged  
455 receipts shall, subject to the terms of the trust agreement pursuant to which such bonds are issued  
456 and to the use of such moneys for the purpose set forth in section 2 of this act, without further  
457 appropriation, be transferred, as of the end of each fiscal year, to the General Fund.