

HOUSE No. 2728

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 the procurement of public works.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/15/2015</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>12/2/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>12/2/2019</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>12/2/2019</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>	<i>12/2/2019</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>	<i>12/2/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>12/2/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>12/2/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>12/2/2019</i>

HOUSE No. 2728

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 2728) of Marjorie C. Decker and others relative to project labor agreements. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the procurement of public works.

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. "Project labor agreement" means a prehire agreement with the appropriate
2 labor organization or labor organizations covering the terms and conditions for the employment
3 of mechanics and apprentices, teamsters, chauffeurs and laborers who will perform work in the
4 construction of a public works project or projects;

5 SECTION 2. "Public agency" means a department, agency, board, commission, authority,
6 or other instrumentality of the commonwealth, political subdivision of the commonwealth, city,
7 town, or by persons contracting or subcontracting for a public works.

8 SECTION 3. "Public works" means the construction, reconstruction, alteration,
9 remodeling, repair or demolition of any public building or any other public works by a public
10 agency.

11 SECTION. 4 (a) Notwithstanding the provisions of any general statute, regulation or
12 requirement regarding procurement of goods or services, a public agency may require a project

13 labor agreement for any public works project when such public agency has determined, on a
14 project-by-project basis and acting within its discretion, that it is in the public's interest to require
15 such an agreement. In making such determination, the public agency may consider the effects a
16 project labor agreement may have on (1) the efficiency, cost and direct and indirect economic
17 benefits to the public agency; (2) the availability of a skilled workforce to complete the public
18 works project; (3) the prevention of construction delays; (4) the safety and quality of the public
19 works project; (5) the advancement of minority and women-owned businesses; and (6)
20 employment opportunities for the community.

21 (b) A public agency's decision to require a project labor agreement shall not be evidence
22 of fraud, corruption or favoritism.

23 (c) Any project labor agreement required by a public agency pursuant to this section shall
24 include: (1) a uniform grievance and arbitration procedure for the resolution of work-related
25 disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project;
26 and (3) an obligation for any such labor organization and its constituent members not to strike
27 with respect to work on such project; (4) goals for the number of apprentices and for a
28 percentage of work to be performed by minorities, women and veterans; (5) a provision that it
29 shall not be a precondition of bidding or to the award of a contract that a bidder has previously
30 entered into a collective bargaining agreement with a labor organization, but only that the bidder
31 be willing to execute and comply with said project labor agreement for the designated project if
32 it is awarded a contract for such designated project;

33 (d) Any bidder for a public works project that does not agree to abide by the conditions of
34 the project labor agreement or a requirement to negotiate a project labor agreement shall not be
35 regarded as a responsible and eligible bidder for such project.

36 SECTION 5. The provisions of this act are severable and if any provision is determined
37 to contravene state or federal law, the remainder of this act shall remain in full force and effect.