

HOUSE No. 2773

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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 use of force accounts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/15/2015</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/29/2015</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/26/2015</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>2/4/2015</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>1/23/2015</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/29/2015</i>

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By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2773) of Peter V. Kocot and others for legislation to prohibit the use of “force accounts”, so-called, by awarding authorities. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2842 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to the use of force accounts.

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.

2 Subsection (b) of clause (1) of section 44D of chapter 149 of the General Laws, as
3 appearing in the 2008 Official Edition is hereby amended by adding the following paragraph:-

4 “A “public agency” as defined by clause (1) section 44A of Chapter 149, shall provide,
5 under the penalties of perjury, truthful and complete information in all bids and offers. Whoever
6 violates any provision of this paragraph shall be punished by imprisonment in a jail or house of
7 correction for not more than 6 months or by a fine of not more than \$2,000, or by such fine and
8 imprisonment. These sanctions shall also apply to any applicant and/or “public agency” as
9 defined by clause (1) section 44A of Chapter 149, who circumvent bids and offers, and the

10 related bid and procurement laws of the Commonwealth, by performing public construction, of a
11 dollar value subject to a public bid, as defined by section 39M of chapter 30, through a force
12 account practice or any similar practice that does not follow said bid and procurement laws,
13 provided, that these sanctions shall not apply for emergency construction and repairs, under
14 \$100,000 in cost, to address immediate and significant threats to the public health and safety of
15 residents and employees of said public agency. “