

HOUSE No. 3728

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia and Michael F. Rush

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 authorizing the commissioner of capital asset management and maintenance to grant a lease over certain property in the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>7/29/2015</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>7/29/2015</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>7/31/2015</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>	<i>8/4/2015</i>

HOUSE No. 3728

By Representative Malia of Boston and Senator Rush, a joint petition (subject to Joint Rule 12) of Elizabeth A. Malia, Michael F. Rush and others for legislation to authorize the commissioner of Capital Asset Management and Maintenance to grant a lease over certain property in the city of Boston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of capital asset management and maintenance to grant a lease over certain property in the city of Boston.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authorization of a lease in the city of Boston, 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:

1 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of public health, may lease
4 for a term, including extensions, not to exceed 15 years, a parcel of land on the campus of the
5 Lemuel Shattuck hospital in the Jamaica Plain section of the city of Boston to the Shattuck Child
6 Care Center, Inc., a not for profit corporation, for the purpose of operating a child day care
7 center. The exact boundaries of the property to be leased shall be determined by the
8 commissioner of capital asset management and maintenance, in consultation with the
9 commissioner of public health, based upon a survey or other plan acceptable to the

10 commissioners. The lease shall be in accordance with the terms and conditions specified in this
11 act.

12 SECTION 2. The lease authorized by section 1 may authorize the Shattuck Child Care
13 Center, Inc. to locate modular units on the leased premises and to undertake such site work and
14 other work as may be reasonably required to prepare the leased premises for the modular units.
15 The commissioner of capital asset management and maintenance may license or otherwise
16 permit the Shattuck Child Center, Inc. access over, on and under other portions of the Lemuel
17 Shattuck hospital campus for the purpose of connecting the leased premises to public utilities.
18 The lease shall require the Shattuck Child Care Center, Inc. to carry comprehensive general
19 liability insurance, with the commonwealth named as a co-insured, to protect the commonwealth
20 against all personal injury or property damage on the facilities during the term of the lease, and
21 may contain such other terms and provisions as the commissioner of capital asset management
22 and maintenance, in consultation with the commissioner of public health, considers appropriate.

23 SECTION 3. Notwithstanding sections 39A to 39S, inclusive, and section 39M of chapter
24 30 of the General Laws, sections 44A to 44M, inclusive, of chapter 149 of the General Laws, and
25 any other general or special law to the contrary, the Shattuck Child Care Center, Inc. may
26 procure the project authorized by this act, and any necessary design and construction services for
27 the project, without undertaking a competitive bid process; provided, however, that the Shattuck
28 Child Care Center, Inc. shall pay prevailing wages in accordance with sections 26 and 27 of
29 chapter 149 of the General Laws in connection with any such construction.

30 SECTION 4. The Shattuck Child Center, Inc. shall annually compensate the
31 commonwealth in the sum of \$1.00 for the term of the lease authorized by section 1. The

32 Shattuck Child Care Center, Inc. shall pay all costs and expenses of the transaction authorized in
33 this act, as determined by the commissioner of capital asset management and maintenance,
34 including, but not limited to, the costs of any surveys, all costs, liabilities and expenses of any
35 nature and kind related to the development, maintenance, use and operation of the leased
36 premises, and the operation costs for the portion of the parcels set aside for use by the
37 commonwealth.