HOUSE DOCKET, NO. 850 FILED ON: 1/17/2017

HOUSE . . . . . No. 1662

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:
Marjorie C. Decker	*25th Middlesex*	*1/17/2017*
Daniel Cullinane	*12th Suffolk*	*2/2/2017*
Julian Cyr	*Cape and Islands*	*2/3/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/2/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2017*
Kenneth I. Gordon	*21st Middlesex*	*2/1/2017*
Natalie Higgins	*4th Worcester*	*2/3/2017*
Jack Lewis	*7th Middlesex*	*2/3/2017*
Denise Provost	*27th Middlesex*	*1/31/2017*
Daniel J. Ryan	*2nd Suffolk*	*2/2/2017*
José F. Tosado	*9th Hampden*	*2/2/2017*
Steven Ultrino	*33rd Middlesex*	*2/2/2017*
Chris Walsh	*6th Middlesex*	*2/2/2017*

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 1662) of Marjorie C. Decker and others relative to project labor agreements. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2728* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

SECTION 1. "Project labor agreement" means a prehire agreement with the appropriate labor organization or labor organizations covering the terms and conditions for the employment of mechanics and apprentices, teamsters, chauffeurs and laborers who will perform work in the construction of a public works project or projects;

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

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

SECTION. 4 (a) Notwithstanding the provisions of any general statute, regulation or requirement regarding procurement of goods or services, a public agency may require a project labor agreement for any public works project when such public agency has determined, on a project-by-project basis and acting within its discretion, that it is in the public's interest to require such an agreement. In making such determination, the public agency may consider the effects a project labor agreement may have on (1) the efficiency, cost and direct and indirect economic benefits to the public agency; (2) the availability of a skilled workforce to complete the public works project; (3) the prevention of construction delays; (4) the safety and quality of the public works project; (5) the advancement of minority and women-owned businesses; and (6) employment opportunities for the community.

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

(c) Any project labor agreement required by a public agency pursuant to this section shall include: (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project; (4) goals for the number of apprentices and for a percentage of work to be performed by minorities, women and veterans; (5) a provision that it shall not be a precondition of bidding or to the award of a contract that a bidder has previously

entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the designated project if it is awarded a contract for such designated project;

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

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