HOUSE DOCKET, NO. 3687 FILED ON: 1/20/2017

HOUSE . . . . . No. 3076

The Commonwealth of Massachusetts

PRESENTED BY:

Mary S. Keefe

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 debarment in public contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mary S. Keefe	*15th Worcester*	*1/20/2017*
Daniel M. Donahue	*16th Worcester*	*1/20/2017*

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HOUSE . . . . . No. 3076

By Ms. Keefe of Worcester, a petition (accompanied by bill, House, No. 3076) of Mary S. Keefe and Daniel M. Donahue relative to penalties for public contractors who have been debarred. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to debarment in public contracts.

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. Subsection (c) of section 29F of chapter 29 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the word “may”, in line 59, and inserting in place thereof the following word:- shall.

SECTION 2. Said subsection (c) of said section 29F of said chapter 29, as so appearing, is hereby amended by striking out, in lines 59 to 61, inclusive, the words:- but, debarment shall be imposed in all causes where debarment is required by law: .

SECTION 3. Subsection (d) of said section 29F of said chapter 29, as so appearing, is hereby amended by striking out the word “may”, in line 109, and inserting in place thereof the following word:- shall.

SECTION 4. Subsection (e) of said section 29F of said chapter 29, as so appearing, is hereby amended by striking out the word “may”, in line 146, and inserting in place thereof the following word:- shall.

SECTION 5. Subsection (f) of said section 29F of said chapter 29, as so appearing, is hereby amended by striking out the word “may”, in line 171, and inserting in place thereof the following word:- shall.

SECTION 6. Said section 29F of said chapter 29, as so appearing, is hereby amended by inserting after section (i) the following section:-

(j) Any employer, contractor or subcontractor, or any officer or agent thereof who has been debarred under this section, who contracts or otherwise secures or participates in contract from which they are barred, shall be punished by a fine of not more than $250,000 or by imprisonment for not more than 1 year for a first offense, or by both such fine and imprisonment, and for a subsequent willful offense, a fine of not more than $500,000, or by imprisonment for not more than 2 years, or by both such fine and such imprisonment.

SECTION 7. Subsection (a) of section 27C of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after paragraph (3) the following paragraph:-

(4) Any employer, contractor or subcontractor, or any officer or agent thereof who has been debarred for violating any provision of sections 26, 27, 27A, 27B, 27F, 27G, 27H, who contracts or otherwise secures or participates in any contract from which they are barred, shall be punished by a fine of not more than $250,000 or by imprisonment for not more than 1 year for a first offense, or by a fine and imprisonment, and for a subsequent willful offense, a fine of not more than $500,000, or by imprisonment for not more than 2 years, or by both such fine and such imprisonment.

SECTION 8. Subsection (10) of section 25C of chapter 152 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the words “section fourteen”, in line 150, the following paragraph:-

(a) Any employer, contractor or subcontractor, or any officer or agent thereof who has been debarred under this section, who contracts or otherwise secures or participates in contract from which they are barred, shall be punished by a fine of not more than $250,000 or by imprisonment for not more than 1 year for a first offense, or by both such fine and imprisonment, and for a subsequent willful offense, a fine of not more than $500,000, or by imprisonment for not more than 2 years, or by both such fine and such imprisonment.