SENATE DOCKET, NO. 465 FILED ON: 1/17/2017

SENATE . . . . . No. 1866

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 transparency in private utility construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
Jennifer L. Flanagan	*Worcester and Middlesex*	*1/25/2017*
Thomas M. McGee	*Third Essex*	*1/26/2017*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*1/26/2017*
Steven S. Howitt	*4th Bristol*	*1/26/2017*
Kenneth J. Donnelly	*Fourth Middlesex*	*1/30/2017*
Hannah Kane	*11th Worcester*	*1/31/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*2/1/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*2/1/2017*
Kimberly N. Ferguson	*1st Worcester*	*2/1/2017*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*2/2/2017*
Michael F. Rush	*Norfolk and Suffolk*	*2/3/2017*
Julian Cyr	*Cape and Islands*	*2/15/2017*
James B. Eldridge	*Middlesex and Worcester*	*3/15/2017*

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SENATE . . . . . No. 1866

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1866) of Michael O. Moore, Jennifer L. Flanagan, Thomas M. McGee, Richard J. Ross and other members of the General Court for legislation relative to transparency in private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2858* OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to transparency in private utility construction 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. Chapter 164 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after Section 76D the following section:-

Section 76E. (a) As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:-

"Company", a gas or distribution company.

"Contract", any agreement for the procurement of services specified under subsection (b), regardless of what the parties call the agreement.

"Responsible bidder", a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.

"Score", the quantitative or qualitative rating or method utilized by the company to award a contract

(b) When entering into a contract in the amount of $100,000 or more for services related to the excavation or construction upon, along, under, or across any public way, each company shall be subject to this section.

(c) A company shall (1) within two business days after the decision has been made, inform any responsible bidder which submitted a bid of its decision in relation to the award of a contract, and shall do so by notice in writing by the most rapid means of communication possible; and (2) post the winning bid on its website with (i) the name of the contractor, (ii) winning amount, (iii) location of project.

(d) The written notice to each responsible bidder shall include (1) the criteria for the award of the contract; and (2) the score obtained by the responsible bidder.

(e) Where there is only one response to a solicitation, a company need not comply with this section.

(f) A company may withhold any information to be provided in accordance with the section where the disclosure of such information (1) would impede law enforcement, (2) would otherwise be contrary to the public interest, (3) would prejudice the legitimate commercial interests of any responsible bidder; or (4) might interfere with competition between responsible bidders.

(g) The department shall be responsible for enforcing this section, and may promulgate regulations and issue orders it deems in the public interest regarding the procurement practices of companies.