

**HOUSE . . . . . No. 2773**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John H. Rogers***

*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 default insurance programs for certain public construction projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/18/2019</i>

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By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 2773) of John H. Rogers relative to default insurance programs for certain public construction projects. State Administration and Regulatory Oversight.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1702 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to default insurance programs for certain public construction projects.

*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. Section 8 (a) of Chapter 149A of the General Laws as appearing in the 2012  
2 Official Edition is hereby amended by striking out paragraph 2 and inserting in place thereof the  
3 following new paragraph:-

4 All trade contracts entered into in accordance with this chapter shall be secured by  
5 performance and payment bonds in the full amount of the trade contract from a surety company  
6 licensed to do business in the commonwealth and whose name appears on United States Treasury  
7 Department Circular 570; provided that the bonds are subject to subsection (3) of section 44F of  
8 chapter 149 except for those subcontracts subject to a subcontractor default insurance policy  
9 obtained by the construction management at risk firm. The construction manager at risk firm  
10 shall have the option to obtain a subcontractor default insurance policy in lieu of payment and

11 performance bonds for some or all trade contractors. The intention to use a subcontractor default  
12 insurance policy shall be made known by the construction manager at risk firm and the awarding  
13 authority after the receipt of trade contractor bids pursuant to subsection (g) of this section. Any  
14 trade contractor not covered through the subcontractor default insurance policy program must  
15 submit a payment and performance bond at no additional cost to the construction manager at risk  
16 firm or the awarding authority. All trade contractor bidders shall include anticipated bonding  
17 costs in their bids and, in the event of inclusion in a subcontractor default insurance program,  
18 trade contractors shall remit to the construction manager at risk firm a credit equivalent to those  
19 anticipated bonding costs.