

HOUSE No. 2826

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Copping

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: | DATE ADDED: |
|-------------------------------|-----------------------|------------------|
| <i>Edward F. Copping</i> | <i>10th Suffolk</i> | <i>1/17/2019</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> | <i>1/23/2019</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>1/23/2019</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>1/23/2019</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/23/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>1/23/2019</i> |
| <i>Richard M. Haggerty</i> | <i>30th Middlesex</i> | <i>1/23/2019</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> | <i>1/23/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/25/2019</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>1/25/2019</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>1/25/2019</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | <i>1/25/2019</i> |
| <i>Christopher M. Markey</i> | <i>9th Bristol</i> | <i>1/25/2019</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> | <i>1/28/2019</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>1/28/2019</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> | <i>1/28/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>1/28/2019</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> | <i>1/30/2019</i> |

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| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>1/30/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>1/30/2019</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> | <i>1/30/2019</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> | <i>1/30/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>1/30/2019</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> | <i>1/30/2019</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>1/30/2019</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>1/30/2019</i> |
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> | <i>1/30/2019</i> |
| <i>Smitty Pignatelli</i> | <i>4th Berkshire</i> | <i>1/30/2019</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | <i>1/31/2019</i> |
| <i>Rady Mom</i> | <i>18th Middlesex</i> | <i>1/31/2019</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> | <i>1/31/2019</i> |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> | <i>1/31/2019</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/31/2019</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> | <i>1/31/2019</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>1/31/2019</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | <i>1/31/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/31/2019</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>1/31/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/31/2019</i> |
| <i>Joseph F. Wagner</i> | <i>8th Hampden</i> | <i>1/31/2019</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> | <i>1/31/2019</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> | <i>1/31/2019</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>1/31/2019</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Diana DiZoglio</i> | <i>First Essex</i> | <i>2/1/2019</i> |
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> | <i>2/1/2019</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>2/1/2019</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> | <i>2/1/2019</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/1/2019</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>2/1/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/1/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/1/2019</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> | <i>2/1/2019</i> |
| <i>Paul F. Tucker</i> | <i>7th Essex</i> | <i>2/1/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/1/2019</i> |
| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> | <i>2/1/2019</i> |
| <i>Peter Capano</i> | <i>11th Essex</i> | <i>2/1/2019</i> |

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|---------------------------|-----------------------|-----------------|
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>2/1/2019</i> |
| <i>David M. Nangle</i> | <i>17th Middlesex</i> | <i>2/1/2019</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> | <i>2/1/2019</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | <i>2/1/2019</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>2/1/2019</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/1/2019</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/1/2019</i> |

HOUSE No. 2826

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 2826) of Edward F. Coppinger and others relative to transparency in private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1733 OF 2017-2018.]

The Commonwealth of Massachusetts

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

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:

1 SECTION 1. Chapter 164 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after Section 76D the following section:-

3 Section 76E. (a) As used in this section, the following words shall, unless the context
4 otherwise requires, have the following meanings: [L L]
[SEP]

5 “Company”, a gas or distribution company. [L]
[SEP]

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

8 “Responsible bidder”, a person who has the capability to perform fully the contract
9 requirements, and the integrity and reliability which assures good faith performance. [L]
[SEP]

10 “Score”, the quantitative or qualitative rating or method utilized by the company to award
11 a contract

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

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

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

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

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

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