HOUSE DOCKET, NO. 1932 FILED ON: 1/17/2019

HOUSE . . . . . No. 2827

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Coppinger

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:
Edward F. Coppinger	*10th Suffolk*	*1/17/2019*
Louis L. Kafka	*8th Norfolk*	*1/22/2019*
Steven Ultrino	*33rd Middlesex*	*1/23/2019*
Frank A. Moran	*17th Essex*	*1/23/2019*
Timothy R. Whelan	*1st Barnstable*	*1/23/2019*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/23/2019*
Brian W. Murray	*10th Worcester*	*1/23/2019*
Richard M. Haggerty	*30th Middlesex*	*1/23/2019*
Daniel Cahill	*10th Essex*	*1/23/2019*
José F. Tosado	*9th Hampden*	*1/25/2019*
David Paul Linsky	*5th Middlesex*	*1/25/2019*
Tommy Vitolo	*15th Norfolk*	*1/28/2019*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*1/28/2019*
Tackey Chan	*2nd Norfolk*	*1/28/2019*
Mike Connolly	*26th Middlesex*	*1/28/2019*
Daniel J. Ryan	*2nd Suffolk*	*1/31/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/31/2019*
Stephan Hay	*3rd Worcester*	*1/31/2019*

David M. Rogers	*24th Middlesex*	*1/31/2019*
Alice Hanlon Peisch	*14th Norfolk*	*1/31/2019*
Christopher Hendricks	*11th Bristol*	*1/31/2019*
Angelo M. Scaccia	*14th Suffolk*	*1/31/2019*
Smitty Pignatelli	*4th Berkshire*	*1/31/2019*
Thomas P. Walsh	*12th Essex*	*1/31/2019*
Daniel M. Donahue	*16th Worcester*	*1/31/2019*
Rady Mom	*18th Middlesex*	*1/31/2019*
Mathew J. Muratore	*1st Plymouth*	*1/31/2019*
Danielle W. Gregoire	*4th Middlesex*	*1/31/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/31/2019*
Marc T. Lombardo	*22nd Middlesex*	*1/31/2019*
David F. DeCoste	*5th Plymouth*	*1/31/2019*
Bruce E. Tarr	*First Essex and Middlesex*	*1/31/2019*
Bud L. Williams	*11th Hampden*	*1/31/2019*
Natalie M. Higgins	*4th Worcester*	*1/31/2019*
Mary S. Keefe	*15th Worcester*	*1/31/2019*
Joseph F. Wagner	*8th Hampden*	*1/31/2019*
Denise C. Garlick	*13th Norfolk*	*1/31/2019*
Antonio F. D. Cabral	*13th Bristol*	*1/31/2019*
Kimberly N. Ferguson	*1st Worcester*	*1/31/2019*
Marc R. Pacheco	*First Plymouth and Bristol*	*2/1/2019*
Patrick M. O'Connor	*Plymouth and Norfolk*	*2/1/2019*
Brendan P. Crighton	*Third Essex*	*2/1/2019*
Michael D. Brady	*Second Plymouth and Bristol*	*2/1/2019*
Hannah Kane	*11th Worcester*	*2/1/2019*
James Arciero	*2nd Middlesex*	*2/1/2019*
Jack Patrick Lewis	*7th Middlesex*	*2/1/2019*
Marjorie C. Decker	*25th Middlesex*	*2/1/2019*
Daniel R. Cullinane	*12th Suffolk*	*2/1/2019*
Paul F. Tucker	*7th Essex*	*2/1/2019*
Paul W. Mark	*2nd Berkshire*	*2/1/2019*
Peter Capano	*11th Essex*	*2/1/2019*
Bruce J. Ayers	*1st Norfolk*	*2/1/2019*
Sean Garballey	*23rd Middlesex*	*2/1/2019*
Colleen M. Garry	*36th Middlesex*	*2/1/2019*
James T. Welch	*Hampden*	*2/1/2019*
David Biele	*4th Suffolk*	*2/1/2019*
Angelo L. D'Emilia	*8th Plymouth*	*2/1/2019*

Carlos González	*10th Hampden*	*2/1/2019*
Paul McMurtry	*11th Norfolk*	*2/1/2019*
Bradley H. Jones, Jr.	*20th Middlesex*	*2/1/2019*

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HOUSE . . . . . No. 2827

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 2827) of Edward F. Coppinger and others relative to the availability of private utility construction contracts. Telecommunications, Utilities and Energy.

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:

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 76 E.(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 quantities or qualitatively 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, 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 on their website (i)name of the contractor, (ii)location of project,(iii) duration of work.

(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; and (3) winning amount.

(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 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.