

**HOUSE . . . . . No. 2760**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Norman J. Orrall*

*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 the use of force accounts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>1/16/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/17/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/16/2019</i>

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By Mr. Orrall of Lakeville, a petition (accompanied by bill, House, No. 2760) of Norman J. Orrall, Elizabeth A. Poirier and William L. Crocker, Jr., relative to the penalties imposed for failure to provide complete information in public bids and offers. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to the use of force accounts.

*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. Subsection (b) of clause (1) of section 44D of chapter 149 of the General  
2 Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting at the end  
3 thereof the following new paragraph:-

4           A public agency, as defined in clause (1) of section 44A of chapter 149, shall provide,  
5 under the penalties of perjury, truthful and complete information in all bids and offers. Whoever  
6 violates any provision of this paragraph shall be punished by imprisonment in a jail or house of  
7 correction for not more than 6 months or by a fine of not more than \$2,000, or by such fine and  
8 imprisonment. These sanctions shall also apply to any applicant and/or public agency who  
9 circumvent bids and offers, and the related bid and procurement laws of the commonwealth, by  
10 performing public construction, of a dollar value subject to a public bid, as defined by section  
11 39M of chapter 30, through a force account practice or any similar practice that does not follow  
12 said bid and procurement laws, provided, that these sanctions shall not apply for emergency

- 13 construction and repairs, under \$100,000 in cost, to address immediate and significant threats to
- 14 the public health and safety of residents and employees of said public agency.