

**SENATE . . . . . No. 1989**

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**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:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/23/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/31/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/31/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>1/31/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/25/2019</i>

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 1989) of Michael O. Moore, Angelo J. Puppolo, Jr., Mike Connolly, James B. Eldridge and other members of the General Court for legislation relative to transparency in private utility construction contracts. Telecommunications, Utilities and Energy.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1866 OF 2017-2018.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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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 2016 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:-

5 “Company”, a gas or distribution company.

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.

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.