

HOUSE No. 3682

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:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/11/2023</i>
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>1/30/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/31/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/31/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/31/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/31/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/31/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/31/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/31/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/31/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/31/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2023</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/31/2023</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/31/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>

<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/31/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/1/2023</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/7/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/7/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/7/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/7/2023</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/7/2023</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/7/2023</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/7/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/14/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/14/2023</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>2/14/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>2/14/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/14/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/14/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/14/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/14/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/14/2023</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>2/22/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/22/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/27/2023</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>2/27/2023</i>

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.