HOUSE DOCKET, NO. 3278 FILED ON: 1/17/2025

HOUSE . . . . . No. 3385

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

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 further defining fraud in public construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christopher M. Markey	*9th Bristol*	*1/17/2025*

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HOUSE . . . . . No. 3385

By Representative Markey of Dartmouth, a petition (accompanied by bill, House, No. 3385) of Christopher M. Markey relative to further defining fraud in public construction contracts. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3086* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act further defining fraud in public 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:

Subsection (a) of section 39M of chapter 30 of the General Laws, as appearing in the 2022 Official Edition is hereby amended by striking out, in lines 21 to 23, the words "The undersigned certifies under penalties of perjury this bid is in all respects bona fide, fair and made without collusion or fraud with any other person" and inserting in place thereof the following words –

"The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion with any other person or entity or fraud. As used in this paragraph the word "fraud" shall mean a statement, act or omission relating to a material fact of significant importance to the construction project at issue that (i) has been relied upon to detriment of an awarding authority or its representatives (ii) is knowingly false or misleading or

11 is in reckless disregard of its truth or falsity and (iii) is intended to mislead and has been shown

12 by clear and convincing evidence to have done so”