HOUSE DOCKET, NO. 1243 FILED ON: 1/14/2025

# HOUSE . . . . . No. 3524

## The Commonwealth of Massachusetts

PRESENTED BY:

***William F. MacGregor***

*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: |
|---|---|---|
| *William F. MacGregor* | *10th Suffolk* | *1/14/2025* |
| *Lindsay N. Sabadosa* | *1st Hampshire* | *1/28/2025* |
| *Brian W. Murray* | *10th Worcester* | *1/28/2025* |
| *James K. Hawkins* | *2nd Bristol* | *1/28/2025* |
| *Angelo J. Puppolo, Jr.* | *12th Hampden* | *1/28/2025* |
| *Frank A. Moran* | *17th Essex* | *1/28/2025* |
| *Paul McMurtry* | *11th Norfolk* | *1/28/2025* |
| *Susannah M. Whipps* | *2nd Franklin* | *1/28/2025* |
| *Jason M. Lewis* | *Fifth Middlesex* | *1/28/2025* |
| *Patrick Joseph Kearney* | *4th Plymouth* | *1/28/2025* |
| *Tara T. Hong* | *18th Middlesex* | *1/29/2025* |
| *Erika Uyterhoeven* | *27th Middlesex* | *1/30/2025* |
| *Colleen M. Garry* | *36th Middlesex* | *1/30/2025* |
| *Michael D. Brady* | *Second Plymouth and Norfolk* | *1/30/2025* |
| *Danillo A. Sena* | *37th Middlesex* | *2/6/2025* |
| *Samantha Montaño* | *15th Suffolk* | *2/6/2025* |
| *James B. Eldridge* | *Middlesex and Worcester* | *2/11/2025* |
| *Daniel Cahill* | *10th Essex* | *2/11/2025* |

| | | |
|---|---|---|
| *Kevin G. Honan* | *17th Suffolk* | *2/27/2025* |
| *Antonio F. D. Cabral* | *13th Bristol* | *3/7/2025* |
| *Adrianne Pusateri Ramos* | *14th Essex* | *3/7/2025* |
| *Steven Ultrino* | *33rd Middlesex* | *3/14/2025* |
| *Jonathan D. Zlotnik* | *2nd Worcester* | *3/18/2025* |
| *Natalie M. Higgins* | *4th Worcester* | *3/18/2025* |
| *Thomas M. Stanley* | *9th Middlesex* | *3/31/2025* |
| *James C. Arena-DeRosa* | *8th Middlesex* | *3/31/2025* |
| *Mary S. Keefe* | *15th Worcester* | *3/31/2025* |
| *Tommy Vitolo* | *15th Norfolk* | *4/9/2025* |
| *Thomas W. Moakley* | *Barnstable, Dukes and Nantucket* | *4/23/2025* |
| *Bridget Plouffe* | *9th Plymouth* | *5/14/2025* |
| *Tackey Chan* | *2nd Norfolk* | *5/16/2025* |
| *Marjorie C. Decker* | *25th Middlesex* | *11/20/2025* |
| *Kristin E. Kassner* | *2nd Essex* | *11/20/2025* |

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# HOUSE . . . . . No. 3524

By Representative MacGregor of Boston, a petition (accompanied by bill, House, No. 3524) of William F. MacGregor and others relative to the availability of private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3681* OF 2023-2024.]

## The Commonwealth of Massachusetts

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

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:*

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.