

HOUSE No. 4056

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Charles Murphy

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 passage of the accompanying bill:

An Act relative to a new public safety facility lease in the town of Burlington.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Charles Murphy	21st Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO A NEW PUBLIC SAFETY FACILITY LEASE IN THE TOWN OF BURLINGTON.

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.** Notwithstanding of any general or special law to the contrary, the town of
2 Burlington may enter into a lease of land for a new public safety facility. Said lease may be a ground
3 lease of the land only, or the lease may provide for the financing, design and construction of a new public
4 safety facility by a party or the parties, or a combination thereof. The construction of a new public safety
5 facility under a lease awarded pursuant to this section shall not be subject to the competitive bid
6 requirements set forth in sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30 or
7 sections 44A to 44M, inclusive, of chapter 149 of the General Laws, but each such lease shall be awarded
8 pursuant to section 16 of chapter 30B of the General Laws. The town is hereby authorized to borrow for
9 the construction of a new public safety facility pursuant to section 7 of chapter 44 of the General Laws on
10 land that is subject to said lease pursuant to this act; provided said lease has a term of at least 20 years.

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12 **SECTION 2.** The request for proposals for such lease shall specify the method for comparing proposals
13 to determine the proposal offering the lowest overall cost to the town including, but not limited to, all
14 capital financing. If the town awards a contract to an offeror who did not submit the proposal offering the
15 lowest overall cost, the town shall explain the reason for the award in writing. Prior to the award of a
16 lease that includes the construction of a public safety facility under section 1, the town shall conduct an
17 independent evaluation for the purpose of comparing the overall cost of the lease, including the private
18 financing of construction, to the cost of procuring the new public safety facility pursuant to the applicable
19 General Laws.

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21 **SECTION 3.** Notwithstanding of any general or special law to the contrary, the lease awarded pursuant
22 to section 1 may provide for a term not exceeding 50 years, and may include an option or a right of first
23 refusal for the town to acquire the land and the new public safety facility at the termination of the lease.

24 Any option or a right of first refusal shall be at the sole discretion of the town of Burlington in accordance
25 with the original terms and conditions set forth in the request for proposals or terms and conditions more
26 favorable to and acceptable to the town. A lease entered into pursuant to this act may provide that the
27 town shall not be exempt from liability for payment over the term of the lease of the costs to finance,
28 design and construct the public safety facility.

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30 **SECTION 4.** Subject to this act, any lease awarded hereunder shall be subject to such additional terms
31 and conditions as the town administrator and the board of selectmen of the town shall determine to be in
32 the best interests of the town and shall be authorized by a majority vote of the board of selectmen, and a
33 majority vote of town meeting.

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35 **SECTION 5.** All contracts for the construction of the public safety facility may be awarded by the
36 selected offeror only to persons or entities whose bids or proposals are subject to such persons or entities
37 being signatory to a project labor agreement with the appropriate labor organizations which shall include
38 an obligation for such labor organizations and its constituent members not to strike with respect to the
39 work on such construction project and which shall also establish uniform work rules and schedules for the
40 project. Such project agreement shall be entered into in order to facilitate the timely and efficient
41 completion of the construction of the public safety facility and to make available a ready and adequate
42 supply of highly trained, skilled craft workers who shall provide a negotiated commitment to assure labor
43 stability and labor peace over the life of this project. The applicable entity responsible for any
44 construction of the public safety facility shall designate a general contractor, project administrator or
45 similar construction firm which is familiar in the negotiation and administration of project labor
46 agreements to manage and oversee the construction of the project, including the development and
47 implementation of labor relations policies for the project, and to instruct such general contractor, project
48 administrator or other construction firm to negotiate a mutually agreeable project labor agreement
49 covering the above described work, unless the town determines that the selected offeror responsible for
50 constructing the public safety facility has sufficient experience and qualifications, in which case the
51 selected offeror may discharge the duties respecting the project labor agreement.

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53 **SECTION 6.** This act shall take effect upon its passage.

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