HOUSE DOCKET, NO. 2329 FILED ON: 1/17/2013

HOUSE . . . . . No. 2842

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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:

An Act relative to the use of force accounts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter V. Kocot	*1st Hampshire*
Angelo L. D'Emilia	*8th Plymouth*

HOUSE DOCKET, NO. 2329 FILED ON: 1/17/2013

HOUSE . . . . . No. 2842

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2842) of Peter V. Kocot and Angelo L. D'Emilia for legislation to prohibit the use of so-called "force accounts" by awarding authorities. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the use of force accounts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1.

Subsection (b) of clause (1) of section 44D of chapter 149 of the General Laws, as appearing in the 2008 Official Edition is hereby amended by adding the following paragraph:-

"A "public agency" as defined by clause (1) section 44A of Chapter 149, shall provide, under the penalties of perjury, truthful and complete information in all bids and offers. Whoever violates any provision of this paragraph shall be punished by imprisonment in a jail or house of correction for not more than 6 months or by a fine of not more than $2,000, or by such fine and imprisonment. These sanctions shall also apply to any applicant and/or "public agency" as defined by clause (1) section 44A of Chapter 149, who circumvent bids and offers, and the related bid and procurement laws of the Commonwealth, by performing public construction, of a dollar value subject to a public bid, as defined by section 39M of chapter 30, through a force account practice or any similar practice that does not follow said bid and procurement laws, provided, that these sanctions shall not apply for emergency construction and repairs, under $100,000 in cost, to address immediate and significant threats to the public health and safety of residents and employees of said public agency. "