

HOUSE No. 1733

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:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>

<i>William Driscoll</i>	<i>7th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>

<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Juana Matias</i>	<i>16th Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>

HOUSE No. 1733

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 1733) of Edward F. Coppinger and others relative to transparency in private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2858 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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:

1 SECTION 1. Chapter 164 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after Section 76D the following section:-

3 Section 76E. (a) As used in this section, the following words shall, unless the context
4 otherwise requires, have the following meanings:-

5 “Company”, a gas or distribution company.

6 “Contract”, any agreement for the procurement of services specified under subsection (b),
7 regardless of what the parties call the agreement.

8 “Responsible bidder”, a person who has the capability to perform fully the contract
9 requirements, and the integrity and reliability which assures good faith performance.

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.