

HOUSE No. 2699

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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 timely public payments for work not included in original construction contracts.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------|--------------------|
| <i>William C. Galvin</i> | <i>6th Norfolk</i> |
| <i>Patricia Boyden</i> | |

HOUSE No. 2699

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 2699) of William C. Galvin and Patricia Boyden relative to timely payments for work not included in public construction contracts. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1664 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to timely public payments for work not included in original 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. Section 39G of chapter 30 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the sixth paragraph the following
3 paragraph:-

4 The awarding authority shall pay for all work: (1) performed pursuant to a signed Time
5 and Materials itemized invoice (T&Ms), Extra Work Orders (EWOs) and Notice To Proceed
6 (NTPs); all are contract modification, as defined in section 17 of chapter 7C, or (2) on a time and
7 materials basis in the manner provided by this section. Must be paid within Sixty five days. For
8 the purposes of this section, time and materials basis shall mean the amount of time invested in
9 performing the contract and the cost of the materials used in the performance of the contract.

10 SECTION 2. Section 39K of chapter 30 is hereby amended by adding the following
11 paragraph:-

12 The awarding authority shall pay for all work performed pursuant to a signed Time and
13 Material itemized invoice (T&Ms), Extra Work Orders (EWOs) and Notice To Proceed (NTPs);
14 all are contract modification, as defined in section 17 of chapter 7C, or (2) on a time and
15 materials basis in the manner provided by this section. Must be paid within Sixty five days as
16 defined in section 17 of chapter 7C, or (2) on a time and materials basis in the manner provided
17 by this section. For the purposes of this section, time and materials basis shall mean the amount
18 of time invested in performing the contract and the cost of the materials used in the performance
19 of the contract.