

HOUSE No. 3562

Sections 45 contained in the engrossed Bill making appropriations for the fiscal year 2014 (see House, No. 3538), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 3566). July 12, 2013.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to price adjustments for certain materials in construction projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish certain price adjustments, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 Chapter 30 of the General Laws is hereby amended by inserting after section 38 the
2 following section:-

3 Section 38A. Contracts for road, bridge, water and sewer projects awarded as a result of
4 a proposal or invitation for bids under chapter 7C, section 11C of chapter 25A, section 39M of
5 this chapter and sections 44A to 44H, inclusive, of chapter 149 shall include a price adjustment
6 clause for each of the following materials: fuel, both diesel and gasoline; asphalt; concrete; and
7 steel. A base price for each material shall be set by the awarding authority or agency and shall
8 be included in the bid documents at the time the project is advertised. The awarding authority or
9 agency shall also identify in the bid documents the price index to be used for each material. The
10 price adjustment clause shall provide for a contract adjustment to be made on a monthly basis
11 when the monthly cost change exceeds plus or minus 5 per cent.