

HOUSE No. 3681

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:	DATE ADDED:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/11/2023</i>
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>1/30/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/31/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/31/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/31/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/31/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/31/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/31/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/31/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>1/31/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/31/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/31/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>1/31/2023</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/31/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>

<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/31/2023</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2023</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/1/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/1/2023</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/7/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/7/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/7/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/7/2023</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/7/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/7/2023</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/7/2023</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/7/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/7/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/14/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/14/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>2/14/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>2/14/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/14/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/14/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/14/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/14/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/14/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/14/2023</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>2/22/2023</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/22/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/27/2023</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>2/27/2023</i>

HOUSE No. 3681

By Representative Coppinger of Boston, a petition (accompanied by bill, House, No. 3681) of Edward F. Coppinger and others relative to the availability of private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3280 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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, is
2 hereby amended by inserting after Section 76D the following section:-Section 76 E.(a) As used
3 in this section, the following words shall, unless the context otherwise requires, have the
4 following meanings:-

5 “Company” ,a gas or distribution company

6 “Contract”, any agreement for the procurement of services specified under subsection
7 (b),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 quantities or qualitatively rating or method utilized by the company to
11 award 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, or across any public way, each company shall be
14 subject to this section.

15 (c) A company shall(1) within two business days after the decision has been made,inform
16 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 on their website (i)name of the contractor, (ii)location of project,(iii)
19 duration of work.

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; and (3) winning
22 amount.

23 (e) Where there is only one response to a solicitation, a company need not comply with
24 this section.

25 (f) A company may withhold any information to be provided in accordance with the
26 section where disclosure of such information (1) would impede law enforcement,(2) would
27 otherwise be contrary to the public interest, (3) would prejudice the legitimate commercial
28 interests of any responsible bidder; or (4) might interfere with competition between responsible
29 bidders.

30 (g) The department shall be responsible for enforcing this section , and may promulgate
31 regulations and issue orders it deems in the public interest regarding the procurement practices of
32 companies.