

HOUSE No. 00822

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 bill:

An Act relative to price adjustment..

PETITION OF:

NAME:

Antonio F. D. Cabral

DISTRICT/ADDRESS:

13th Bristol

HOUSE No. 00822

By Mr. Antonio F. D. Cabral of New Bedford, petition (accompanied by bill, House, No. 00822) of Antonio F. D. Cabral for legislation to include a price adjustment clause in state awarded contracts. Joint Committee on State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2968 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to price adjustment..

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 39O of chapter 30, as appearing in the 2008 Official Edition, is hereby amended by
- 2 adding the following paragraph at the end thereof:
- 3 Notwithstanding any general or special law to the contrary, contract,s awarded as a result of
- 4 proposals or invitation for bids issued under sections 38A½ to 38O, inclusive, of chapter 7;
- 5 section 11C of chapter 25A; section 39M of this chapter; and sections 44A to 44H, inclusive, of
- 6 chapter 149, exceeding \$100,000 shall include a price adjustment clause for each of the
- 7 following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each
- 8 material shall be set by the awarding authority or agency and included in the bid documents at
- 9 the time a project is advertised. The awarding authority or agency shall also identify in the bid

- 10 documents the price index to be used for each material or supply. The adjustment clause shall
- 11 provide for a contract adjustment to be made on a monthly basis when the monthly cost change
- 12 exceeds +/- 5 per cent.