

SENATE No. 1472

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 state contracting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Anthony W. Petruccelli</i>	<i>First Suffolk and Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>

Katherine M. Clark

Fifth Middlesex

SENATE No. 1472

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1472) of Kenneth J. Donnelly, Christopher G. Fallon, Peter V. Kocot, James J. O'Day and other members of the General Court for legislation relative to state contracting. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to state contracting.

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 7 of the General Laws is hereby amended by inserting after section
2 22O the following new section:-

3 Section 22P.

4 Any state department, office, commission, institution or regional authority contracting for
5 cleaning, maintenance or security guard services in any buildings shall abide by section 27H of
6 chapter 149 and any rules promulgated thereunder. Any procurement bid with the operational
7 services division or any other state procurement agent that does not follow the requirements
8 under this section and any rules promulgated under this section is a nonresponsive bid. Any
9 contract entered into by any department, office, commission, institution or regional authority,
10 after the effective date of this section, shall be void if it is not in compliance with this section and
11 section 27H of chapter 149.

12 SECTION 2. Section 2 of chapter 30B, as appearing in the 2010 Official Edition, is
13 hereby amended by striking out the definition for “Responsible bidder or offeror”, beginning at
14 line 133, and inserting in place thereof the following new definition:-

15 “Responsible bidder or offeror”, a person who: (1) has the lowest bid of those bidders
16 possessing the skill, ability and integrity necessary for the faithful performance of the work; (2)
17 shall certify, that the bidder is able to furnish labor that can work in harmony with all other
18 elements of labor employed or to be employed on the contract; (3) shall certify a record of
19 compliance with all applicable labor laws, including but not necessarily limited to, state and
20 federal minimum wage laws, applicable local living wage ordinances, state and federal

21 healthcare laws, state and federal independent contractor and labor relations laws, and state and
22 federal health and safety laws; and, (4) shall certify that the bidder has had no debarment or
23 suspension within the past 5 years.

24 SECTION 3. Subsection (g) of section 5 of said chapter 30B, as so appearing, is hereby
25 amended by inserting after the word “bidder.”, in line 87, the following new text:-

26 Any bidder that bids on a contract for cleaning, maintenance or security guard services in
27 buildings owned, leased or occupied by the governmental body shall abide by section 27H of
28 chapter 149 and any rules promulgated thereunder. Any bidder that does not follow the
29 requirements under said section 27H of chapter 149 is not a responsive bidder under this section.
30 Any contract entered into by any governmental body, after the effective date of this section, shall
31 be void if it is not in compliance with this section and section 27H of chapter 149.

32 SECTION 4. Section 5 of said chapter 30B, as so appearing, is hereby further amended
33 by inserting after subsection (g) the following new subsection:-

34 (i) Any certifications made under this chapter shall be signed under the penalties of
35 perjury and shall be a permanent part of any work contracted for. Any bidder or subcontractor
36 who fraudulently misrepresents any information to which the bidder must certify, shall be subject
37 to one or more the following: (1) permanent removal from any further work on the contract; (2)
38 withholding of payment due him by the awarding agency; (3) liquidated damages payable to the
39 awarding agency in the amount of 5 per cent of the dollar value of the contract.

40 SECTION 5. Section 27H of chapter 149 of the General Laws, as appearing in the 2010
41 Official Edition, is hereby amended by striking, in lines 1 and 2, the words "the cleaning and
42 maintenance of" and inserting in place thereof the following words:- “cleaning, maintenance or
43 security guard services in”, and inserting, after the word "maintenance", on line 6, the following
44 words:- “, security guard”.