

**SENATE . . . . . No. 01890**

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven.  
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SECTION 1. To provide for a capital outlay program of maintenance and improvements to municipal road and bridge assets of the commonwealth, the sums set forth in section 2 for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds, which sums are in addition to any other amounts previously appropriated for these purposes.

SECTION 2.

DEPARTMENT OF TRANSPORTATION

6122-1190 For the construction and reconstruction of town and county ways as described in clause (b) of section 4 of chapter 6C of the General Laws; provided that a city or town shall comply with the procedures established by the division of highways within the department of transportation; provided further, that any such city or town may appropriate for such projects amounts not in excess of the amount provided to the city or town under this item preliminary notice of which shall be provided by the department to the city or town no later than April 1 of each year; provided further, that the commonwealth shall reimburse any such city or town under this item within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the division..... \$200,000,000.

SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$200,000,000. All these bonds issued by the commonwealth shall be designated on their face, Maintenance and Improvement of Municipal Roads Act of 2011, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such these bonds shall be payable not later than June 30, 2046. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 4. Notwithstanding any general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds +/- 5 per cent.