

SENATE, No. 2202

[Senate, November 13, 2009 - New Draft of Senate, No. 1885 reported from the committee on Transportation]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT RELATIVE TO TRANSPORTATION.

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.** Section 8B of Chapter 29 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out the third paragraph and inserting in place
3 thereof the following paragraph:- Any such statement filed with either such commissioner by a
4 prospective bidder shall be a public record, provided however that financial information
5 provided by the prospective bidder shall be confidential and exempt from disclosure except to

6 other agencies of the commonwealth doing business with or considering doing business with the
7 prospective bidder. All other relevant exemptions of the public records law shall apply to the
8 statements of the prospective bidder filed pursuant to this chapter.

9 **SECTION 2.** Said section 8B of said Chapter 29 is hereby amended by inserting at the
10 end of line 63 the following words:- Said commissioners may in their discretion establish such
11 rules, regulations and procedures for the prequalification of subcontractors as necessary to
12 ensure said subcontractors are qualified to perform work to be awarded by the department or
13 commission.

14 **SECTION 3.** Said section 8B of said Chapter 29 is hereby amended by striking out, in
15 line 108, the words, “fifty thousand dollars” and inserting in place thereof the following figure:-
16 \$100,000.

17 **SECTION 4.** Said section 8B of said Chapter 29 is hereby amended by adding the
18 following paragraph: -

19 Notwithstanding any other provision of law, any awarding authority engaged in
20 horizontal construction must complete performance evaluations of contractors performing
21 public works projects. Such evaluations shall be public records and shall not be conditioned
22 upon a promise or negotiated by the contractor in a manner which misrepresents the contractor’s
23 performance. A contractor who refuses to complete work or correct deficiencies as a means of
24 obtaining a successful evaluation may in addition to other remedies provided by law, have their
25 prequalification suspended, revoked or canceled.