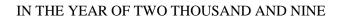
## SENATE, No. 2202

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

## The Commonwealth of Massachusetts



## **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:

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SECTION 1. Section 8B of Chapter 29 of the General Laws, as appearing in the 2008
Official Edition, is hereby amended by striking out the third paragraph and inserting in place
thereof the following paragraph:- Any such statement filed with either such commissioner by a
prospective bidder shall be a public record, provided however that financial information
provided by the prospective bidder shall be confidential and exempt from disclosure except to
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other agencies of the commonwealth doing business with or considering doing business with the
prospective bidder. All other relevant exemptions of the public records law shall apply to the
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.

SECTION 3. Said section 8B of said Chapter 29 is hereby amended by striking out, in
 line 108, the words, "fifty thousand dollars" and inserting in place thereof the following figure: \$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.