

SENATE No. 00577

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

SENATE No. 00577

By Ms. Spilka, petition (accompanied by bill, Senate, No. 577) of Provost, Flanagan, DiDomenico and other members of the General Court for legislation to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process [Joint Committee on Higher Education].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to preclude contractors from retaining rebates that would undermine the integrity of the public procurement process.

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 15 of chapter 73, as appearing in the 2008 Official Edition, is
2 hereby amended by adding after the first paragraph the following paragraph:

3 “Notwithstanding any other general or special law to the contrary, neither the trustees
4 or officers of a state university designated by them nor any official of the Commonwealth shall
5 have authority to enter into any contract unless it provides that any rebates received by the
6 contractor as a consequence of or coincident to the contract be fully disclosed and turned over to
7 the college or university. Contracts that do not contain this language shall not be valid and the
8 college or university shall make no payment under such contract.”

9 SECTION 2. Section 13 of chapter 75, as appearing in the 2008 Official Edition, is
10 hereby amended by adding after the first paragraph the following paragraph:

11 “Notwithstanding any other general or special law to the contrary, neither the trustees
12 or officers of the university designated by them nor any official of the Commonwealth shall have
13 authority to enter into any contract unless it provides that any rebates received by the contractor
14 as a consequence of or coincident to the contract be fully disclosed and turned over to the college
15 or university. Contracts that do not contain this language shall not be valid and the college or
16 university shall make no payment under such contract.”

17 SECTION 3. Section 22 of chapter 7, as appearing in the 2008 Official Edition, is
18 hereby amended by inserting after the first sentence in subsection (20) the following sentence:

19 “The undersigned also certifies under the penalties of perjury that to the extent that it receives
20 any rebates, direct or indirect, from any third party, as a consequence of this proposal or the
21 contract that codifies its acceptance, that such rebate will be fully disclosed and turned over to
22 the governmental body.”