
Accompanying the ninth recommendation of the Commissioner of Labor and Industries (House, No. 34). State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT FURTHER REGULATING THE AWARD OF CONTRACTS FOR PUBLIC BUILDING PROJECTS BY COMPETITIVE BIDDING.

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 44B of chapter 149 of the Gen-
2 eral Laws, as amended by chapter 645 of the acts of 1954,
3 is further amended by inserting after the third paragraph
4 in said section the following new paragraphs: —
5 The low bidder in the discretion of the awarding au-
6 thority and the second and third low bidders as a mat-
7 ter of right may at any time after five days, Saturdays,
8 Sundays and holidays excluded, of the opening of the
9 respective proposals, file with the awarding authority a
10 bond, the principal of which shall at least equal the
11 amount of the respective bidder's cash, certified check,
12 treasurer's or cashier's check equal to the amount of the
13 cash, etc., theretofore deposited with their proposal, in
14 the form prescribed by the awarding authority, with
15 sufficient sureties which will contain the condition that
16 the said bidder will execute a contract and furnish such
17 performance or other bonds as may be required by law
18 in accordance with the terms of the bidder's said pro-
19 posal. If a bidder complies with the aforesaid provision,
20 the awarding authority shall certify such compliance and
21 thereupon the bidder shall have returned to him the
22 amount of such cash, certified check or treasurer's check
23 or cashier's check as represented by his original deposit.

24 Complaints or protests charging non-conformity or
25 errors in bidding procedure must be filed with the award-
26 ing authority or department of labor and industries
27 within thirty days from the date of award of contract.

1 SECTION 2. Section 44C of chapter 149 of the Gen-
2 eral Laws, as amended by chapter 645 of the acts of
3 1954, is further amended by striking out subsections
4 (A), (B), (G) and (H) of said section and inserting in
5 place thereof the following new subsections:—

6 (A) With respect to each bid subject to section forty-
7 four B, the following procedure shall be followed and all
8 bidders shall be notified to that effect:—

9 1. Bids from general contractors shall be for the com-
10 plete work as specified and shall include the names of
11 subcontractors and the amounts of their bids as desig-
12 nated in item two of the bid form and the general con-
13 tractor shall be selected on the basis of such bid.

14 Bids from general contractors must be submitted on
15 the bid form for general contractors as set forth in (G)
16 of this section.

17 Bid forms shall be completely filled in. Bids which
18 are incomplete, conditional or obscure, or which contain
19 additions not called for, shall be rejected.

20 2. Each bid shall be divided into two items:—

21 Item 1, covering all the work of the general contrac-
22 tor, being all work not covered in item 2.

23 Item 2, covering the work specified and the bid prices
24 therefor of the subcontractors for such of the following
25 as in the estimate of the awarding authority shall exceed
26 one thousand dollars: (a) roofing and flashing; (b) metal
27 windows; (c) waterproofing, dampproofing and caulking;
28 (d) miscellaneous and ornamental iron; (e) lathing and
29 plastering; (f) acoustical tile; (g) marble, tile and ter-
30 razzo; (h) resilient floors; (i) glass and glazing; (j)
31 painting; (k) plumbing; (l) heating, ventilating and air
32 conditioning; (m) electrical work; (n) elevators; and
33 (o) the work of any other principal or minor subcontrac-
34 tors for which the awarding authority deems it neces-
35 sary to receive filed bids; and each of these classes of

36 work shall be designated in item two of the bid form
37 for general contractors as classes of work for which bid
38 prices from subcontractors must be given.

39 The awarding authority may designate each of the
40 classes of work in one specification, or may designate in
41 class (c) or (g) two or more classes of work in separate
42 specifications for which filed bids are necessary.

43 (B) All principal and such minor subcontractors as
44 are designated in the proposal form shall deliver or mail
45 to the awarding authority duplicate copies of all bids
46 sent by them to the general contractor. All such bids
47 shall be for the complete subdivision of the work as
48 specified and must be submitted on the bid form for
49 subcontractors as set forth in (H) of this section, which
50 form shall be completely filled in. Bids which are in-
51 complete, conditional or obscure, or which contain addi-
52 tions not called for, shall be rejected.

53 Copies of sub-bids filed with the awarding authority
54 shall be submitted in sealed envelopes with the following
55 plainly marked on the outside:—

56 Title of work.

57 Division of work for which bid is submitted.

58 The enclosed bid has been sent to and may be used
59 by.....

60 Subcontractor's name.

61 Subcontractor's business address.

62 All such bids on the bid form provided for in (H) shall
63 be in the possession of the awarding authority and de-
64 livered or mailed to the general contractor, by twelve
65 o'clock noon at least four days, Sundays and legal holi-
66 days excepted, before the date for receipt of general
67 contract proposals. The date and time limit for receipt
68 of such bids shall be stated in each section of the speci-
69 fications. No filed sub-bids shall be opened by the
70 awarding authorities until after the selection of the gen-
71 eral contractor.

72 No sub-bid shall be considered in the final selection
73 of sub-bidders, as hereinafter described, except those
74 filed with the awarding authority as above provided.

75 Each sub-bidder may endorse the copy of his bid

76 filed with the awarding authority as follows:— “The
77 above bid is being sent to the following general bid-
78 ders:—

79
80

81 The bid may not be used by any other general contrac-
82 tor without the consent of the undersigned,” and sign
83 such copy.

84 (G) A bid form containing the following provisions
85 must be submitted in exact order by general bidders: —

BID FORM FOR GENERAL CONTRACTORS.

To.....(awarding authority).
.....

(a) The undersigned proposes to furnish all the labor and materials
required for the construction of.....
on.....Street,.....(city),
Massachusetts, for.....(owner),
in accordance with the accompanying plans and specifications prepared
by.....(name), of.....
(address), for the sum specified below, subject to additions and deduc-
tions according to the specifications and in all respects according to
the terms thereof. Alternate bids as specified, numbered,.....
Addenda numbered,.....

(b) The undersigned agrees that he will within five days, Sundays and
holidays excluded, after presentation thereof by the awarding authority,
execute the contract and furnish a performance bond and also a labor and
materials or payment bond, each of a surety company qualified to do
business under the laws of the commonwealth and satisfactory to the
awarding authority and each in the sum of at least fifty per cent of the
contract price, the premiums for which are to be paid by the general
contractor and are included in the contract price.

(c) The proposed contract sum is.....
dollars (\$.....).

(d) The subdivision of the proposed contract sum is as follows: —

Item 1. The work of the general contractor, being all work other than
that covered by the following item 2.....
dollars (\$.....).

Item 2. Sub-bids as follows: —

Bidder	Amount
(1).....
(2).....
Etc.....
Total of Item 2.....	\$.....

The undersigned agrees that the list of sub-bidders represents bona fide bids based on the plans and specifications, made in good faith to the bidder, and are hereby submitted, and that, if the undersigned is awarded the contract, they will be used for the work indicated, at the amounts stated, if satisfactory to the awarding authority.

The undersigned agrees that if he is selected as general contractor he will promptly confer with the awarding authority on the question of sub-bidders and that the awarding authority may substitute for any sub-bids listed above, the names and amounts of sub-bids as submitted for this work and filed with the awarding authority, as required by the notice to bidders, against whose standing and ability the undersigned makes no objection, and that he will use all such finally selected sub-bidders at the amounts so named and be in every way as responsible for them and their work as if they had been originally named in this bid, the total contract price being adjusted to conform thereto.

(e) If the bidder is a corporation, indicate state of incorporation under hand-written signature, and affix corporate seal; if a partnership, give full names and residential addresses of all partners; and if an individual, give residential address if different from business address under hand-written signature.

Date.....

(Name of Firm)

By.....

(Title)

(Business Address)

(City and State)

86 (H) A bid form in exact order containing the follow-
 87 ing provisions must be submitted by subcontractors
 88 submitting bids on classes of work listed under item 2.

BID FORM FOR SUBCONTRACTORS.

To.....
 (general contractor).....

(a) The undersigned proposes to furnish all labor and materials required for the completion of all the work specified under the subheading..... Section No..... in accordance with the plans and specifications prepared by....., alternate bids as specified, numbered,..... addenda numbered,....., for....., located on..... Street,.....(city),.....(state), for.....(owner), for the contract sum of..... dollars (\$.....).

(b) The names of all sub-bidders furnishing labor and materials included in the above proposal and the amounts of their bids are as follows:—

Name.....	Amount.....
Name.....	Amount.....

(c) The undersigned agrees that the above list of subcontractors represents bona fide bids based on the plans and specifications, made in good faith to this bidder, and are hereby submitted, and that, if the undersigned is awarded the contract, they will be used for the work indicated, at the amounts stated, if satisfactory to the awarding authority.

(d) The undersigned further agrees to be bound to the general contractor by the terms of the general conditions, drawings and specifications, and to assume toward him all the obligations and responsibilities that he, by those documents, assumes toward the owner.

The undersigned offers the following information as evidence of his qualifications to perform the work as bid upon according to all the requirements of the plans and specifications: —

1. Have been in business under present business name..... years.

2. Ever failed to complete any work awarded?.....

3. List one or more recent buildings with names of general contractor and architect on which you served as subcontractor for work of similar character as required for the above-named building.

Building	Architect	General Contractor	Amount of Contract
(a).....
(b).....
(c).....

4. Bank reference.

(e) The sub-bidder may add the following information in filing copy of his bid with the awarding authority. If such information is not so submitted, it shall be understood that his proposal is available for use with whatever general contractor is selected.

The above proposal is being sent to the following general bidders: —

.....

(f) If the bidder is a corporation, indicate state of incorporation under hand-written signature, and affix corporate seal; if a partnership, give full names and residential addresses of all partners; and if an individual, give residential address if different from business address under hand-written signature.

The proposal may not be used by any other general contractor without the consent of the undersigned.

Date.....

.....
(Name of Firm)

By.....

.....
(Title)

.....
(Business Address)

.....
(City and State)

