
[Senate, No. 779. — Substituted by amendment by the Senate (Hedges) for House Bill No. 87, amended.]

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE AMOUNTS INVOLVED IN CERTAIN CONTRACTS WHICH MAY BE AWARDED BY THE DEPARTMENT OF PUBLIC WORKS WITHOUT POSTING OR PUBLICATION AND ENLARGING THE MEANING OF THE WORDS "SPECIAL EMERGENCIES" IN THE CASE OF SUCH CONTRACTS.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is, in part, to make forthwith certain
3 changes in the law relative to competitive bidding in certain
4 state contracts, therefore it is hereby declared to be an emer-
5 gency law, necessary for the immediate preservation of the pub-
6 lic welfare and convenience.

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. Chapter 29 of the General Laws is hereby
2 amended by striking out section 8A, as most recently amended
3 by chapter 401 of the acts of 1951, and inserting in place thereof
4 the following section: —

5 *Section 8A.* No officer having charge of any office, depart-
6 ment or undertaking which receives a periodic appropriation
7 from the commonwealth shall award any contract for the con-
8 struction, reconstruction, alteration, repair or development at
9 public expense of any building, road, bridge or other physical
10 property if the amount involved therein is one thousand dollars
11 or over, or, in the case of an award of any contract by the de-
12 partment of public works for the construction, reconstruction,
13 alteration, repair or development at public expense of any road

14 or bridge, if the amount involved is twenty-five hundred dollars
15 or over, unless a notice inviting proposals therefor shall have been
16 posted, not less than one week prior to the time specified in such
17 notice for the opening of said proposals, in a conspicuous place
18 on or near the premises of such officer, and shall have remained
19 so posted until the time so specified, and, if the amount involved
20 therein is in excess of five thousand dollars, or, in the case of an
21 award of any contract as aforesaid by the department of public
22 works, if the amount involved therein is in excess of twenty-five
23 thousand dollars, unless such a notice shall also have been pub-
24 lished at least once not less than two weeks prior to the time so
25 specified, and at such other times prior thereto, if any, as the
26 commission on administration and finance shall direct, in such
27 newspaper or newspapers and/or trade periodical or periodicals
28 as said commission, having regard to the locality of the work in-
29 volved in such contract, shall prescribe; provided, that such
30 publication may be omitted, in cases of special emergencies
31 involving the health and safety, or, in the case of an award of
32 any contract as aforesaid by the department of public works,
33 involving the health, safety or convenience, of the people and
34 their property, upon the written approval of said commission;
35 and provided, further, that in the case of work under the super-
36 vision or control of the department of public works, the com-
37 missioner of public works shall prescribe the newspapers or new-
38 papers and/or trade periodical or periodicals in which said notice
39 shall be published, having regard to the locality of the work in-
40 volved. Proposals for any contract subject to this section shall
41 be in writing and shall be opened in public at a time and place
42 specified in the posted or published notice, and after being so
43 opened shall be open to public inspection. No contract or pre-
44 liminary plans and specifications shall be split or divided for the
45 purpose of evading the provisions of this section. The provi-
46 sions of this section shall not apply to any transaction between
47 the commonwealth and any of its political subdivisions or be-
48 tween the commonwealth and any public service corporation.

1 SECTION 2. This act shall not apply to any contract awarded
2 pursuant to any invitation for bids issued on or before the effec-
3 tive day of this act.