

HOUSE No. 1182

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 1928.

The committee on Municipal Finance, to whom was referred so much of the report of the special commission appointed to investigate the entire subject of state, county and local taxation and revenues from fees and other sources, and directed to submit recommendations relative to an excise tax on the use of the public ways by motor vehicles (House, No. 490) as relates to municipal expenditures and undertakings, report (in part) the accompanying bill (House, No. 1182).

For the committee,

FRANK W. OSBORNE.

The Commonwealth of Massachusetts.

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

An Act relative to Certain Contracts by Cities.

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 forty of the General Laws is
2 hereby amended by inserting after section four the
3 two following new sections:—
4 *Section 4A.* No contract for construction work or
5 for the purchase of apparatus, supplies or materials,
6 whether for repairs or original construction, the esti-
7 mated cost of which amounts to five hundred dollars
8 or more, except in cases of special emergency involving
9 the health or safety of the people or their property,
10 shall be awarded by a city unless proposals for the
11 same have been invited by advertisements in at least
12 one newspaper published in the city once a week for at
13 least two consecutive weeks, the last publication to
14 be at least one week before the time specified for the
15 opening of said proposals. Such advertisements shall
16 state the time and place where plans and specifications
17 of proposed work or supplies may be had and the time
18 and place for opening the proposals in answer to said
19 advertisements, and shall reserve to the city the right
20 to reject any or all of such proposals. All such pro-
21 posals shall be opened in public. No bill or contract
22 shall be split or divided for the purpose of evading
23 any provision of this chapter.

24 *Section 4B.* All contracts made by any depart-
25 ment, board or commission of a city where the amount
26 involved is five hundred dollars or more shall be in
27 writing, and no such contract shall be deemed to have
28 been made or executed until the approval of the mayor
29 and of the department or board making the contract
30 is affixed thereto. Any contract made as aforesaid
31 may be required to be accompanied by a bond with
32 sureties satisfactory to the board or official having
33 the matter in charge, or by a deposit of money, certi-
34 fied check or other security for the faithful performance
35 thereof, and such bonds or other securities shall be
36 deposited with the city treasurer until the contract
37 has been carried out in all respects; and no such con-
38 tract shall be altered except by a written agreement of
39 the contractor, the sureties on his bond, and the officer,
40 department or board making the contract, with the
41 approval of the mayor affixed thereto. The provisions
42 of this and the preceding section shall apply in a city
43 notwithstanding any provisions in its charter to the
44 contrary.

1 SECTION 2. Section twenty-eight of chapter forty-
2 three of the General Laws is hereby amended by strik-
3 ing out, in the third line, the word "two" and inserting
4 in place thereof the word: — five, — so as to read as
5 follows: — *Section 28.* No contract for construction
6 work or for the purchase of apparatus, supplies or ma-
7 terials, whether for repairs or original construction,
8 the estimated cost of which amounts to five hundred
9 dollars or more, except in cases of special emergency
10 involving the health or safety of the people or their
11 property, shall be awarded unless proposals for the

12 same have been invited by advertisements in at least
13 one newspaper published in the city once a week for at
14 least two consecutive weeks, the last publication to
15 be at least one week before the time specified for the
16 opening of said proposals. Such advertisements shall
17 state the time and place where plans and specifications
18 of proposed work or supplies may be had and the time
19 and place for opening the proposals in answer to said
20 advertisements, and shall reserve to the city the right
21 to reject any or all of such proposals. All such pro-
22 posals shall be opened in public. No bill or contract
23 shall be split or divided for the purpose of evading
24 any provision of this chapter.

1 SECTION 3. Section twenty-nine of said chapter
2 forty-three is hereby amended by striking out, in the
3 second line, the word "two" and inserting in place
4 thereof the word: — five, — so as to read as follows: —
5 *Section 29.* All contracts made by any department,
6 board or commission where the amount involved is five
7 hundred dollars or more shall be in writing, and no
8 such contract shall be deemed to have been made or
9 executed until the approval of the mayor and of the
10 department or board making the contract is affixed
11 thereto. Any contract made as aforesaid may be re-
12 quired to be accompanied by a bond with sureties
13 satisfactory to the board or official having the matter
14 in charge, or by a deposit of money, certified check or
15 other security for the faithful performance thereof,
16 and such bonds or other securities shall be deposited
17 with the city treasurer until the contract has been
18 carried out in all respects; and no such contract shall
19 be altered except by a written agreement of the con-

20 tractor, the sureties on his bond, and the officer, de-
21 partment or board making the contract, with the
22 approval of the mayor affixed thereto.

1 SECTION 4. This act shall take effect January first,
2 nineteen hundred and twenty-nine.

