

By Mr. Bresnahan of Lawrence, petition of John C. Bresnahan relative to the placing or awarding of bids and contracts for the printing and binding of office supplies for cities and towns. Municipal Finance.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PLACING OR AWARDING OF BIDS AND CONTRACTS FOR PRINTING AND BINDING BY CITIES AND TOWNS.

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 40 of the General Laws is hereby
2 amended by inserting after section 4C, inserted by chapter
3 561 of the acts of 1960, the following new section:—

4 *Section 4D.* A city or town which accepts the provisions of
5 this section shall, in the advertising for bids or the placing of
6 orders for the execution of printing, composition, proofreading,
7 presswork, all processes used in the making of printing plates,
8 paper ruling and binding, or for the supplying of office stationery
9 and blank books without printed headings, take into consideration
10 the facilities of the several bidders including subcontractors
11 or other employers of the several establishments, or of the several
12 establishments under consideration in the matter of placing such
13 orders, as the case may be, as well as the terms offered. Contracts
14 or orders shall be given to such establishments only as pay the
15 prevailing rate of wages, based on wage rates and working hours
16 that have been established by collective bargaining agreement or
17 understanding between organized labor and employers; provided,
18 that nothing herein contained shall prevent said city or state from
19 placing contracts or orders with existing state institutions or
20 departments which furnish printing or other work of the kind and
21 character above mentioned. Said city or town may reject any and
22 all bids received.

23 The prevailing rate of wages shall be determined by the com-

24 missioner of labor and industries as herein provided. Said pre-
25 vailing rates shall be based on wage rates and working hours
26 that have been established by collective bargaining agreement
27 or understanding between organized labor and employers in the
28 printing and binding industry. The commissioner of labor and
29 industries shall upon application from a city or town prepare
30 and furnish for the use of said city or town a list of the several
31 classifications of labor usually performed by the employees in
32 the printing and binding trades together with the prevailing
33 rate of wages and working hours.

34 Every contractor, sub contractor or other employer engaged
35 in any work to which this section applies shall keep a true and
36 accurate record of all employees, showing the name, address
37 and occupational classification of each employee, and the hours
38 worked by, and the wages paid to, each such employee, and shall
39 furnish to said commissioner upon his request a true statement
40 of the contents of such record. Such records shall be kept in
41 such manner as said commissioner shall prescribe, and shall be
42 open to inspection by any authorized representative of said city
43 or town or of the department of labor and industries at any
44 reasonable time and as often as may be necessary.

45 Whoever, as a contractor, sub-contractor or other employer
46 engaged in any work to which this section applies or whoever,
47 for himself or as an agent, superintendent or foreman for an-
48 other fails to pay the determined prevailing rate of wages or
49 otherwise violates any provision of this section shall be punished
50 for a first offence by a fine of not less than twenty-five nor more
51 than one hundred dollars, and for a subsequent offence by a fine
52 of not less than fifty nor more than two hundred dollars, or by
53 imprisonment for not more than three months, or both. Who-
54 ever shall have been convicted of a second violation of any pro-
55 vision of this section shall be prohibited from contracting, di-
56 rectly or indirectly, with a city or town for, or from performing,
57 any work covered by this section as contractor or sub-contrac-
58 tor for a period of two years from the date of said conviction.

59 Bonds, satisfactory to said city or town may be required to be
60 given by the party to whom any contract is awarded, to secure
61 its faithful performance.

62 The department of labor and industries shall enforce this

63 section, and shall have the necessary powers therefor.

1 SECTION 2. The provisions of section one of this act shall
2 take effect in a city having a Plan D or Plan E charter by ma-
3 jority vote of its city council; in any other city by vote of its
4 city council approved by the mayor and in a town by vote of its
5 inhabitants at a regular town meeting.

