

By Mr. Melia of Boston, petition of the Associated General Contractors of Massachusetts, Inc., John F. Melia and others that provision be made for penalties for certain violations of public works contracts. State Administration.

**The Commonwealth of Massachusetts**

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

**AN ACT PROVIDING FOR PENALTIES ON CERTAIN VIOLATIONS OF PUBLIC WORKS CONTRACTS.**

*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 twenty-seven C of chapter one hundred forty-nine is  
2 hereby amended by striking out the present section and inserting  
3 thereof the following new section:

4 *Section 27C.* Whoever, either by himself or an agent,  
5 superintendent or foreman for another, violates any provision of  
6 the four preceding sections, shall be punished by a fine of not less  
7 than one hundred nor more than five hundred dollars for a first  
8 offence, and for a subsequent offence, by a fine of not less than five  
9 hundred nor more than one thousand dollars, or by imprisonment  
10 for not more than three months, or both. Any person convicted of  
11 a violation of any provision of section twenty-six, twenty-seven or  
12 twenty-seven B shall be prohibited from contracting, directly or  
13 indirectly, with the commonwealth or any of its agencies or  
14 political subdivisions for the construction of any public building or  
15 other public works, or from performing any work on the same as a  
16 contractor or subcontractor for a period of six months from the  
17 date of such conviction. Any person convicted of a second  
18 violation of any provision of said section twenty-six, twenty-seven  
19 or twenty-seven B within three years from the date of the first  
20 conviction shall be prohibited from contracting, directly or  
21 indirectly, with the commonwealth or any of its agencies or  
22 political subdivisions for the construction of any public building or  
23 other public works, or from performing any work on the same as a

24 contractor or subcontractor, for a period of three years from the  
25 date of such second conviction. After final conviction and  
26 disposition of a violation of any provision of said sections twenty-  
27 six, twenty-seven or twenty-seven B in any court, the clerk of said  
28 court shall send a notice of such conviction to the commissioner.  
29 Upon receipt of notice of a conviction of any person for a second  
30 like violation of any provision of said sections twenty-six, twenty-  
31 seven or twenty-seven B, the commissioner shall send written  
32 notice to all departments and agencies of the commonwealth which  
33 contract for public construction and to the appropriate authorities  
34 of counties, cities and towns that such person is prohibited from  
35 contracting, directly or indirectly, with the commonwealth or any  
36 of its political subdivisions for a period of three years from the date  
37 of such second conviction. The commissioner shall take such  
38 action as may be necessary to enforce the provisions of this section,  
39 and the superior court shall have jurisdiction to enjoin or  
40 invalidate any contract award made in violation of this section.