HOUSE . . . . . No. 5655

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 2, 1978.

The committee on State Administration, to whom were referred the petition (accompanied by bill, House, No. 709) of the Associated General Contractors of Massachusetts, Inc., John F. Melia and others relative to wages to be paid on certain public works contracts; the petition (accompanied by bill, House, No. 710) of the Associated General Contractors of Massachusetts, Inc., John F. Melia and others relative to certain wages to be paid on certain public works contracts; the petition (accompanied by bill, House, No. 712) of the Associated General Contractors of Massachusetts, Inc., for legislation to preclude that provision be made for penalties for certain violations of public works contracts; the petition (accompanied by bill, House, No. 713) of the Associated General Contractors of Massachusetts, Inc., John F. Melia and others relative to certain wages to be paid on certain public works contracts; the petition (accompanied by bill, House, No. 900) of the Associated General Contractors of Mass., Inc., John F. Melia and others relative to bidding procedures on certain public works contracts; the petition (accompanied by bill, House, No. 1100) of the Mass. State Labor Council, John A. Businger, Robert F. Larkin, Jr., Raymond L. Flynn, Charles F. McNally and Brian J. Donnelly that certain violators of the labor laws be prohibited from being awarded public works contracts; the petition (accompanied by bill, House, No. 1101) of the Mass. State Labor Council, Richard F. Finnigan and other members of the House that provision be made for the protection of certain contractors under the law relative to public construction; the petition (accompanied by bill, House, No. 1457) of the Associated General Contractors of Massachusetts, Inc., for legislation to allow arbitration of disputes arising out of public building contracts; the petition (accompanied by bill, House, No. 1458) of the Associated General Contractors of Massachusetts, Inc., for legislation to preclude the use of certain exculpatory language in construction contracts; the petition (accompanied by bill, House, No. 1459) of the Associated General Contractors of Massachusetts, Inc., for legislation to provide for an agreement to substitute sub-bids on public construction

projects; the petition (accompanied by bill, House, No. 1460) of the Associated General Contractors of Massachusetts, Inc., for legislation to establish parity between general contractors and subcontractors in the matter of filed sub-bids; the petition (accompanied by bill, House, No. 1461) of the Associated General Contractors of Massachusetts, Inc., for legislation to provide for acceptance by the general bidder of any proposed substitution of a sub-bidder; the petition (accompanied by bill, House, No. 1462) of the Associated General Contractors of Massachusetts, Inc., for legislation to require the public advertisement of all invitations for bids in the awarding of public construction contracts; the petition (accompanied by bill, House, No. 1463) of the Associated General Contractors of Massachusetts, Inc., relative to the awarding of contracts to the lowest responsible eligible bidder; the petition (accompanied by bill, House, No. 1464) of the Associated General Contractors of Massachusetts, Inc., relative to the content of bids in certain contracts; the petition (accompanied by bill, House, No. 1465) of the Associated General Contractors of Massachusetts, Inc., relative to clarifying the form for general bid under the fair competition bid law; the petition (accompanied by bill, House, No. 1466) of the Associated General Contractors of Massachusetts, Inc., that provision be made for withdrawal of general bids for public construction projects; the petition (accompanied by bill, House, No. 1467) of the Associated General Contractors of Massachusetts, Inc., for legislation to expedite payments to contractors in public construction projects; the petition (accompanied by bill, House, No. 1471) of Nickolas Lambros that contractors of public building projects be authorized to submit bid bonds, certified checks or cash at the discretion of the public authority; the petition (accompanied by bill, House, No. 1604) of the Associated Subcontractors of Massaachusetts for legislation to require contracts for public works, including buildings, to be awarded to the lowest responsible and eligible bidder; the petition (accompanied by bill, House, No. 1606) of the Associated Subcontractors of Massachusetts for legislation to require the use of building and construction loan proceeds for payment to persons furnishing labor and materials; the petition (accompanied by bill, House, No. 1608) of the Associated Subcontractors of Massachusetts for legislation to provide fair competition in the awarding of contracts

for public construction by requiring the inclusion of sub-trade work in the general contract; the petition (accompanied by bill, House, No. 1611) of the Associated Subcontractors of Massachusetts for legislation to provide a limitation of four years for the accrual of actions for deficiency, neglect, error or omission in improvements to real property and other projects utilizing services of contractors, subcontractors, material suppliers, architects, engineers and land surveyors; the petition (accompanied by bill, House, No. 2095) of the Associated Subcontractors of Massachusetts that awarding authorities be authorized to secure the lowest price in awarding building contracts after competitive bids; the petition (accompanied by bill, House, No. 2096) of the Associated Subcontractors of Massachusetts that awarding authothirities be authorized to award building contracts for public construction by the use of contract managers; the petition (accompanied by bill, House, No. 2284) of Barbara E. Gray that public awarding authorities be required to estimate water use or water distribution systems in state construction, the petition (accompanied by bill, House, No. 2288) of Dabid J. Swartz for legislation to provide price adjustments for the cost of labor in the fixed price contracts executed prior to the effective date of the workmen's compensation insurance rate increase approved by the Commissioner of Insurance; the petition (accompanied by bill, House, No. 2472) of the Mass. State Building and Construction Trades Council and another relative to binding sureties to arbitration awards made on construction contracts containing provisions for arbitration of disputes; the petition (accompanied by bill, House, No. 3388) of the Mass. State Building and Construction Trades Council and James J. Craven, Jr., relative to the payment of prevailing wages on public building contracts; the petition (accompanied by bill, House, No. 3947) of John R. Granara to clarify the requirement for listing subcontractors in sub-bids; the petition (accompanied by bill, House, No. 4308) of Stanley E. Barnicoat, Paul M. Goulston and Thomas D. Lopes relative to wages to be paid under certain contracts for the construction of public works or buildings; the petition (accompanied by bill, House, No. 4546) of M. Joseph Manning relative to further regulating payment to contractors on contracts for certain public construction projects; the petition (accompanied by bill, House, No.

4547) of M. Joseph Manning for legislation to regulate competitive bidding for public building projects; the petition (accompanied by bill, House, No. 4548) of M. Joseph Manning for legislation to clarify the law regulating competitive bidding in the award of contracts for public building projects; the petition (accompanied by bill, House, No. 4549) of M. Joseph Manning for legislation to expedite direct payments to subcontractors furnishing material or labor and materials; the petition (accompanied by bill, House, No. 4550) of M. Joseph Manning for legislation to expedite payments to contractors furnishing labor or labor and materials to subcontractors and improving the flow of funds in the construction industry; and the petition (accompanied by bill, House, No. 4939) of Charles J. Buffone that all state awarding authorities be included in the competitive bidding laws governing state construction contracts, reports recommending that the accompanying resolve (House, No. 5655) ought to pass.

For the committee,

CHARLES J. BUFFONE.

The Commonwealth of Massachusetts

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

RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, and most recently revived and continued under the provisions of chapter six of the resolves of nineteen hundred and seventy-eight, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 709, relative to wages to be paid on certain public works contracts; 710, relative to certain wages to be paid on certain public works contracts; 712 that provision be made for penalties for certain violations of public works contracts; 713, relative to certain wages to be paid on certain public works contracts; 900, relative to bidding procedures on certain public works contracts; 1100, that certain violators of the labor laws be prohibited from being awarded public works contracts; 1101, that provision be made for the protection of certain contractors under the law relative to public construction; 1457, to allow arbitration of disputes arising out of public building contracts; 1458, to preclude the use of certain exculpatory language in construction contracts; 1459, to provide for an agreement to substitute sub-bids on public construction projects; 1460, to establish parity between general contractors and subcontractors in the matter of filed sub-bids; 1461, to provide for acceptance by the general bidder of any proposed substitution of a sub-bidder; 1462, to require the public advertisement of all invitations for bids in the awarding of public construction contracts; 1463, relative to the awarding of contracts to the lowest responsible eligible bidder; 1464, relative to the content of bids in certain contracts; 1465, relative to clarifying the form for general bid under the fair competition bid law; 1466, that provision be

made for withdrawal of general bids for public construction projects; 1467, legislation to expedite payments to contractors in public construction projects; 1471, that contractors of public building projects be authorized to submit bid bonds, certified checks or cash at the discretion of the public authority; 1604, to require contractors for public works, including buildings to be awarded to the lowest responsible and eligible bidder; 1606, to require the use of buildings and construction loan proceeds for payment to persons furnishing labor and materials; 1608, to provide fair competition in the awarding of contracts for public construction by requiring the inclusion of sub-trade work in the general contracts; 1611, to provide a limitation of four years for the accrual of actions for deficiency, neglect, error or omission in improvements to real property and other projects utilizing services of contractors, sub-contractors, material suppliers, architects, engineers and land surveyors; 2095, that awarding authorities be authorized to secure the lowest price in awarding building contracts after competitive bids; 2096, that awarding authorities be authorized to award building contracts for public construction by the use of contract managers; 2284, that public awarding authorities be required to estimate water use or water distribution systems in state construction; 2288, to provide price adjustments for the cost of labor in the fixed price contracts executed prior to the effective date of the workmen's compensation insurance rate increases approved by the Commissioner of Insurance; 2472, relative to binding sureties to arbitration awards made on construction contracts containing provisions for arbitration of disputes; 3388, relative to the payment of prevailing wages on public buildings contracts; 3947, to clarify the requirement for listing subcontractors in sub-bids; 4308, relative to wages to be paid under certain contracts for the construction of public works or buildings; 4546, relative to further regulating payment to contractors on contracts for certain public construction projects; 4547, to regulate competitive bidding for public building projects; 4548, to clarify the law regulating competitive bidding in the award on contracts for public building projects; 4549, to expedite direct

payments to subcontractors furnishing materials or labor and materials; 4550, to expedite payments to contractors furnishing labor or labor and materials to subcontractors and improving the flow of funds in the construction industry; 4939, that all state awarding authorities be included in the competitive bidding laws governing state construction contracts.

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