

By Mr. Murphy of Boston, petition of Paul Murphy that provision be made for payment on public construction contracts. State Administration.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR PAYMENT ON PUBLIC CONSTRUCTION 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 1. Chapter 44 of the General Laws is amended by
2 inserting after section 31B, the following sections:—

3 *Section 31C.* Every contract for the construction, recon-
4 struction, alteration, remodeling, repair or demolition of any
5 public building or public works by any city or town or other
6 public body, payment for which requires an appropriation by
7 any city or town, shall be accompanied, at the time of the
8 execution of the contract, by a certificate of the city or town
9 auditor or other appropriate official stating the amount of
10 appropriated funds of the city or town available for payments
11 on the contract, which certificate shall be deemed to be a part
12 of the contract.

13 *Section 31D.* The provisions of section thirty-one of this
14 chapter or other law barring payment in excess of appropria-
15 tions shall not apply (a) to payments within the amount of
16 appropriated funds of a city, including Boston, or town avail-
17 able for payments on the contract as set forth in the certificate
18 of the city or town auditor or other appropriate official delivered
19 to the contractor pursuant to the provisions of section thirty-
20 one C of this chapter or (b) to payments for work performed
21 under instruction from a duly authorized representative of a
22 city, including Boston, or town that the work was a part of the
23 work to be performed under the contract without additional
24 compensation and later determined by the duly authorized
25 official of the city or town or in arbitration or judicial proceed-

26 ings to be work for which the contractor was entitled to addi-
27 tional compensation under the terms of the contract.

1 SECTION 2. This act shall apply to all contracts on which
2 final payment has not been made, whether such contracts were
3 executed before or after the effective date of the act. For all
4 contracts executed prior to the effective date of this act the
5 city or town auditor or other appropriate official shall, upon re-
6 quest of the contractor, execute and mail to the contractor the
7 certificate called for in section thirty-one C of chapter forty-
8 four of the General Laws, but no modification of the contract
9 shall be required.