
By Mr. Scalli of Boston, petition of the Board of Directors of the Massachusetts Bay Transportation Authority for legislation to require said authority to award certain contracts to the lowest responsible bidder. State Administration.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO AWARD CERTAIN CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER.

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 5 of chapter 161A of the General Laws, inserted
2 therein by section 18 of chapter 563 of the acts of 1964, is hereby
3 amended by striking out paragraph (c) and inserting in place
4 thereof the following: —

5 (c) Any concession in or lease of property for a term of more
6 than one year shall be awarded, after advertising for bids, to the
7 bidder who, in the judgment of the directors, is the highest
8 responsible bidder; provided, however, that this provision shall
9 not be applicable to an extension or renewal of any concession
10 in or lease of property if, by vote of the directors, such extension
11 or renewal is determined to be in the best interest of the au-
12 thority.

13 All construction contracts and contracts for supplies, ma-
14 terials, equipment and services, when the expense thereof will
15 exceed twenty-five hundred dollars, shall be let to the lowest
16 responsible bidder, after advertising for bids, excepting (1) when,
17 by the vote of the directors, it is determined that an emergency
18 requires immediate delivery of supplies, materials or equipment
19 or performance of services; (2) when repair parts, accessories,
20 equipment or services are required for equipment or services
21 previously furnished or contracted for or when there is only one

22 reasonable source of supply; (3) when the nature of the service
23 required is such that competitive bidding is not in the best
24 interest of the authority, including, without limiting, the gener-
25 ality of the foregoing, the services of accountants, architects,
26 attorneys, engineers, physicians, superintendents of construction,
27 and others possessing a high degree of skill; (4) when services
28 such as water, light, heat, power, telephone or telegraph are
29 required. Contracts shall not be split into parts involving less
30 than twenty-five hundred dollars for the purpose of avoiding
31 this provision.

32 Members of the board of directors, officers and employees of
33 the authority are forbidden to be interested directly or indi-
34 rectly in any contract with the authority.

35 The authority shall have the right to reject all bids and to
36 re-advertise for bids. If after such re-advertisement no respon-
37 sible and satisfactory bid, within the terms of the advertisement,
38 is received, the authority may award the contract without
39 competitive bidding.

40 Advertisements for bids shall be published at least seven
41 days before the opening thereof in the paper published by the
42 city of Boston known as the City Record. Such advertisements
43 shall state the time and place where all pertinent information
44 relative to concessions and leases or where plans and specifica-
45 tions of proposed construction or supplies, materials and equip-
46 ment may be obtained, and the time and place of opening the
47 proposals in answer to said advertisements, and that the au-
48 thority reserves the right to reject any or all such bids.

49 All bids in response to advertisements shall be sealed and
50 shall be publicly opened by the authority. The authority may
51 require, as evidence of good faith, that a deposit of a reasonable
52 sum, to be fixed by the authority, accompany the proposals, and
53 may also require a bond conditioned on the faithful performance
54 of the work.