

# HOUSE . . . . . No. 2252

By Mr. Slater of Chelsea, petition of John J. Slater, Jr., that the Massachusetts Bay Transportation Authority be required to award certain contracts to the lowest responsible bidder. Transportation.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

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

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to provide that the Massachusetts  
3 Bay Transportation Authority be required to award certain  
4 contracts to the lowest responsible bidder in conformance  
5 with similar laws enacted by the general court governing the  
6 award of such contracts by departments of the common-  
7 wealth and municipalities within the commonwealth, there-  
8 fore it is hereby declared to be an emergency law, necessary  
9 for the immediate preservation of the public convenience.

*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 is hereby  
2 amended by striking out paragraph (c) and inserting in place  
3 thereof the following paragraph:—

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

12 All construction contracts and contracts for supplies, mate-  
13 rials, equipment and services, when the expense thereof will  
14 exceed twenty-five hundred dollars, shall be let to the lowest  
15 responsible bidder, after advertising for bids, excepting (1)  
16 when, by the vote of the directors, it is determined that an  
17 emergency requires immediate delivery of supplies, materials  
18 or equipment or performances of services; (2) when repair  
19 parts, accessories, equipment or services are required for  
20 equipment or services previously furnished or contracted for  
21 or when there is only one reasonable source of supply; (3)  
22 when the nature of the service required is such that competi-  
23 tive bidding is not in the best interest of the Authority,  
24 including, without limiting, the generality of the foregoing,  
25 the services of accountants, architects, attorneys, engineers,  
26 physicians, superintendents of construction, and others pos-  
27 sessed a high degree of skill; (4) when services such as  
28 water, light, heat, power, telephone or telegraph are required.  
29 Contracts shall not be split into parts involving less than  
30 twenty-five hundred dollars for the purpose of avoiding this  
31 provision.

32 Members of the board of directors, officers and employees  
33 of the Authority are forbidden to be interested directly or  
34 indirectly 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 re-  
37 sponsible and satisfactory bid, within the terms of the adver-  
38 tisement, is received, the Authority may award the contract  
39 without 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 specifi-  
45 cations of proposed construction or supplies, materials, and  
46 equipment may be obtained, and the time and place of  
47 opening the bids in answer to said advertisements, and that  
48 the Authority reserves the right to reject any or all such  
49 bids.

50 All bids in response to advertisements shall be sealed and

51 shall be publicly opened by the Authority. The Authority  
52 may require, as evidence of good faith, that a deposit of a  
53 reasonable sum, to be fixed by the Authority, accompany the  
54 proposals, and may also require a bond conditioned on the  
55 faithful performance of work.

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