

Accompanying for fourth recommendation of the Executive Office of Energy Resources (House, No. 91). State Administration.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT RELATIVE TO CONTRACTS FOR THE PURCHASE OF ENERGY MANAGEMENT SERVICES.

*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 44A of Chapter 149 of the General Laws is hereby  
2 amended by adding the following at the end of subsection (2):

3 Notwithstanding the foregoing paragraph, contracts by a public  
4 agency for the purchase of energy management services shall be  
5 awarded to the bidder demonstrably possessing the skill, ability and  
6 integrity to faithfully perform such services on the most favorable  
7 terms to the public agency; provided that such awards shall be made  
8 after (i) public advertising for proposals, at least two weeks before  
9 the date specified for the submission of proposals, in at least one  
10 newspaper, if any, published in the town or city where the building  
11 or facility is located, or in at least one newspaper in general circula-  
12 tion in said town or city, and in the central register published by the  
13 state secretary pursuant to section 20 of chapter 9, and (ii) prompt  
14 publication by the public agency of the successful bidder. Contracts  
15 awarded under this paragraph may include provisions allocating  
16 between the parties any cost savings attributable to a reduction in  
17 energy consumption due to the contractor's performance.

18 The term "energy management services" shall include but not be  
19 limited to, energy audits, energy conservation measures, and energy  
20 conservation projects as defined by section three of chapter twenty-  
21 five A, as well as building maintenance and other services designed  
22 to decrease the cost of energy in operating said building or  
23 buildings.

Approved by the Senate on the 15th day of February, 1901.  
Approved by the House on the 15th day of February, 1901.

**The Committee on Education**

to the Hon. the Senate and House of Representatives

As they relate to the subject of the proposed amendments to the  
Constitution of the United States.

The Committee on Education, to which the subject was referred,  
has the honor to report the following:

1. Section 44 of Chapter 143 of the General Laws is hereby
2. amended by adding the following at the end of subsection (b):
3. "And, provided the foregoing amendments shall not be
4. applied in the absence of express authorization and the right to
5. amend shall be held in abeyance until the date when the
6. amendments to the Constitution shall be submitted to the people.
7. And, provided further that the amendments shall be held in
8. abeyance until the date when the amendments to the Constitution
9. shall be submitted to the people and the amendments shall be
10. applied only if and when the amendments to the Constitution
11. shall be submitted to the people and the amendments shall be
12. applied only if and when the amendments to the Constitution
13. shall be submitted to the people and the amendments shall be
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