

By Mr. Ambler of Weymouth, petition of Robert B. Ambler relative to the prequalification statements of public works construction bidders. State Administration.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE PREQUALIFICATION STATEMENTS OF PUBLIC WORKS CONSTRUCTION BIDDERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Sub-Section 1(a) of Section 44D of Chapter 149 of the General  
2 Laws, as established by Chapter 579 of the General Laws, is hereby  
3 amended by striking said Sub-Section and inserting in place thereof  
4 the following: —

5 Sub-Section 1(a). The prequalification statement shall be in  
6 such form as the deputy commissioner shall prescribe, shall be  
7 signed by the applicant under penalties of perjury, and shall  
8 supply information concerning the applicant's form of organiza-  
9 tion, its principals and key personnel; the applicant's experience  
10 on public and private construction projects over the past five years;  
11 all legal or administrative proceedings currently pending against  
12 the applicant or concluded adversely to the applicant within the  
13 past five years which relate to the procurement or performance of  
14 any public or private construction contract; and such other infor-  
15 mation as the deputy commissioner shall deem relevant to the  
16 determination of the applicant's qualifications and responsibility.  
17 The prequalification statement shall include a statement of finan-  
18 cial condition certified by a certified public accountant which shall  
19 contain information concerning the applicant's current assets and  
20 liabilities, plant and equipment; bank and credit references,  
21 bonding company and maximum bonding capacity; and such

22 other information as the deputy commissioner shall deem relevant  
23 to an evaluation of the applicant's financial capacity and responsi-  
24 bility. The information contained in the prequalification statement  
25 shall be current at the time of filing; provided, however, that the  
26 statement of financial condition shall pertain to the applicant's  
27 most recent completed fiscal year and shall have been certified by a  
28 certified public accountant no more than twelve months prior to  
29 the date of filing. No prequalification statement shall be valid  
30 for more than twelve months from the date of its receipt by an  
31 awarding authority. Any materially false statement in the appli-  
32 cant's prequalification statement or application to bid may, in the  
33 discretion of the awarding authority, result in termination of any  
34 contract awarded the applicant by the awarding authority, and  
35 shall constitute cause for debarring the applicant from future  
36 public work as provided in Section forty-four C. Immediately  
37 upon receipt of a prequalification statement, the awarding author-  
38 ity shall mark the statement with the date, the name of the award-  
39 ing authority and number of the statement; and shall send the  
40 original of such statement to the division of capital planning and  
41 operations and shall give the applicant a copy of the statement  
42 marked with the date and number. The division of capital planning  
43 and operations shall retain every such prequalification statement  
44 for a period of two years from the date of receipt. The Division  
45 shall routinely furnish to awarding authorities those prequalifi-  
46 cation statements requested for the purpose of evaluating appli-  
47 cants who have filed applications to bid.