

By Mr. Liederman of Malden, petition of the Associated Subcontractors of Massachusetts for legislation to clarify the provisions of certain laws relating to public construction. State Administration.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING THE PROVISIONS OF CERTAIN LAWS RELATING TO CONSTRUCTION WORK.

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

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to provide that all public au-
3 thorities be required to award certain contracts to the lowest
4 responsible bidder in conformance with similar laws enacted
5 by the General Court governing the award of such contracts
6 by departments of the Commonwealth and municipalities
7 within the commonwealth, therefore it is hereby declared to
8 be an emergency law, necessary for the immediate preserva-
9 tion of the public convenience.

1 SECTION 1. Section 44A of chapter 149 of the General
2 Laws as most recently amended by chapter 692 of the acts of
3 1960 is hereby further amended by striking out the last para-
4 graph of the section and inserting in place thereof the follow-
5 ing new paragraph:—

6 As used herein and in sections forty-four B to forty-four L,
7 inclusive, the term "governmental unit thereof" shall include
8 every county, city, town, district, board, commission, public
9 instrumentality and other public body, and every authority
10 or body corporate and politic established by the general court
11 to perform an essential governmental function; and except as
12 otherwise provided in section forty-four I, the words "lowest
13 responsible and eligible bidder" shall mean the bidder whose
14 bid is the lowest of those bidders possessing the skill, ability

15 and integrity necessary to the faithful performance of the
16 work and who shall certify that he is able to furnish labor
17 that can work in harmony with all other elements of labor
18 employed or to be employed on the work. Essential informa-
19 tion in regard to such qualifications shall be submitted in
20 such form as the awarding authority may require.

1 SECTION 2. Section 39M of chapter 30 of the General Laws
2 is hereby amended by striking out paragraph (a), as appear-
3 ing in section 1 of chapter 842 of the acts of 1963, and in-
4 serting in place thereof the following paragraph:—

5 (a) Every contract for the construction, reconstruction,
6 alteration, remodeling or repair of any public work, or for the
7 purchase of any material, as hereinafter defined by the
8 commonwealth or by any governmental unit thereof, and
9 estimated by the awarding authority to cost more than five
10 thousand dollars in the case of the commonwealth and more
11 than two thousand dollars in the case of any other such
12 awarding authority, shall be awarded to the lowest respon-
13 sible and eligible bidder on the basis of competitive bids
14 publicly opened and read by such awarding authority forth-
15 with upon expiration of the time for the filing thereof;
16 provided, however, that such awarding authority may reject
17 any and all bids, if it is in the public interest so to do. This
18 paragraph shall not apply to the award of any contract sub-
19 ject to the provisions of sections forty-four A to forty-four
20 L, inclusive, of chapter one hundred and forty-nine and every
21 such contract shall continue to be awarded as provided there-
22 in. As used herein, the term "governmental unit thereof"
23 shall include every county, city, town, district, board, com-
24 mission, public instrumentality and other public body, and
25 every authority or body corporate and politic established by
26 the general court to perform an essential governmental
27 functions.

1 SECTION 3. Section 22 of chapter 598 of the acts of 1958 is
2 hereby amended by striking out the second paragraph and
3 inserting in place thereof the following paragraph:—

4 All general or special laws, or parts thereof, inconsistent
5 herewith, are hereby declared to be inapplicable to the pro-
6 visions of this act.

1 SECTION 4. Section 23 of chapter 606 of the acts of 1958
2 is hereby amended by striking out the second paragraph and
3 inserting in place thereof the following paragraph:—

4 All general or special laws, or parts thereof, inconsistent
5 herewith, are hereby declared to be inapplicable to the pro-
6 visions of this act.

1 SECTION 5. Section 19 of chapter 161A of the General
2 Laws is hereby amended by striking out the last sentence
3 thereof and inserting in place thereof the following sentence:
4 — The provisions of general or special laws relative to rates
5 of wages, hours of employment and working conditions of
6 public employees shall not apply to the authority nor to the
7 employees thereof, but the authority and its employees shall
8 be governed with respect to hours of employment, rates of
9 wages, salaries, hours, working conditions, health benefits,
10 pensions, and retirement allowances of its employees by the
11 law relating to street railway companies.

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