

By Mr. Hodgkins of Lee, petition of the Associated General Contractors of Massachusetts, Christopher J. Hodgkins and others for legislation to permit public awarding authorities to reject general bids without rejecting sub-bids. State Administration.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO ALLOW AWARDING AUTHORITIES TO REJECT GENERAL BIDS WITHOUT REJECTING SUB-BIDS.

*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 1. Amend chapter 44E of chapter 149 of the  
2 General Laws as appearing in the 1992 Official Edition by  
3 inserting the following paragraph as the third paragraph in sub-  
4 paragraph (1):—

5 If the awarding authority decides to reject all general bids or if  
6 the awarding authority does not receive any general bids, the  
7 awarding authority may retain and use the sub-bids received for a  
8 second opening of general bids, provided that there are no  
9 changes in the work involved for those sub-trades for which the  
10 sub-bids are so retained and used, and provided further that the  
11 awarding authority must obtain the consent of each sub-bidder  
12 included in any award of a general contract made pursuant to the  
13 second opening of general bids if that award is not made within  
14 ninety days, Saturdays, Sundays and legal holidays excluded, after  
15 the opening of those sub-bids.

1 SECTION 2. Amend section 44J of chapter 149 of the General  
2 Laws as appearing in the 1988 Official Edition by inserting a new  
3 paragraph (8) reading:—

4 (8) If an awarding authority rejects all general bids or does not  
5 receive any general bids, and advertises for a second opening  
6 of general bids with the original filed sub-bids as set forth in

7 subparagraph (1) of section forty-four E, the notice for receipt of  
8 such general bids may be published in the central register and  
9 elsewhere, as required, not less than one week prior to the time  
10 specified for the new opening of general bids.