

By Mr. Bosley of North Adams, petition of Local 98 IUOE, AFL-CIO, Daniel E. Bosley, Lois G. Pines and others for legislation to provide for equity in the awarding of certain public contracts. State Administration.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR EQUITY IN THE AWARDING OF CERTAIN CONTRACTS.

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

1 Chapter 149 of the General Laws is hereby amended by inserting
2 after Section 44M the following:

3 Section 44N. Any person, firm, association, corporation, or
4 labor organization which suffers damages as a result of a
5 competitive bid for a involving the construction, repair,
6 remodeling alteration, conversion, modernization, improvement,
7 rehabilitation, replacement or renovation of a building, roadway,
8 or structure not being accepted due to another person, firm,
9 association or corporation violating the provisions of chap-
10 ters 151A or 152 of the General Laws, may bring an action for
11 damages in the superior court.

12 There shall be a rebuttable presumption that a successful bidder
13 who has convicted or found in violation by an agency of court
14 of competent jurisdiction of Chapter 151A or 152 of General
15 Laws, was awarded the contract because that successful bidder
16 was able to lower the bid due to this violation or these violations
17 occurring on the contract for work in question.

18 In any action brought pursuant to this section, the court may
19 award costs and reasonable attorney's fees in an amount to be
20 determied in the court's discretion to the prevailing party.

