

By Mr. Brett of Boston, petition of the Mass. Building Trades Council and James T. Brett for legislation to limit the use of modular construction bidding provisions for specially planned permanent building construction. State Administration.

**The Commonwealth of Massachusetts**

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

AN ACT LIMITING THE USE OF MODULAR CONSTRUCTION BIDDING PROVISIONS FOR SPECIALLY PLANNED PERMANENT BUILDING CONSTRUCTION.

1 *Whereas*, Bids for specially designed modular building  
2 construction result in negotiated design building contracts  
3 without bid price protection to the taxpayer and in substantial  
4 construction work being performed outside Massachusetts at  
5 wage rates less than the prevailing wage rates established for the  
6 project 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 SECTION 1. Amend section 44A of chapter 149 by striking  
2 the definition of modular building and inserting the following  
3 definition:

4 "Modular Building" a pre-designed building or units of a pre-  
5 designed building assembled and equipped with internal  
6 plumbing, electrical and similar systems prior to movement to the  
7 site where such units are attached to each other and connected  
8 to external utilities provided that the units are substantially the  
9 same as those customarily regularly assembled by that contractor  
10 at the place of manufacture but not including specially designed  
11 buildings custom designed for particular purpose of the contract.

1 SECTION 2. Amend subparagraph (4) of section 44E by  
2 adding the following sentence to the third paragraph: — The  
3 procurement of modular buildings shall be limited to buildings

4 of the type and size regularly assembled at a place of manufacture  
5 away from the building site and shall not be used for taking bids  
6 on the basis of outline plans specifications for factory fabrication  
7 of permanent buildings specially planned and designed as a  
8 custom job for a particular project nor for factory fabrication of  
9 panel and parts of buildings specially planned and designed as a  
10 custom job for a particular project either of which has a result  
11 in substantial construction details being negotiated as a design  
12 build contract.