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**ACTS, 1988. - Chap. 215.**

proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interests of the city of Fitchburg or fair competition. The purchasing agent shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the purchasing agent shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The purchasing agent may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

The purchasing agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The purchasing agent shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The purchasing agent may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from the contract.

If the purchasing agent awards the contract to an offeror who did not submit the lowest price, the purchasing agent shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the quality of modular buildings under the contract will not exceed the city of Fitchburg's actual needs or that the anticipated performance of the selected offeror justifies the additional cost.

Prior to execution of the contract, the selected offeror shall furnish to the purchasing agent a performance bond satisfactory to the purchasing agent in the sum of fifty per cent of the contract price.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 27, 1988.

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**Chapter 215. AN ACT DIRECTING THE TOWN OF MARBLEHEAD  
RETIREMENT BOARD TO GRANT A CERTAIN PENSION  
TO CARL E. VARRELL.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the retirement board of the town of Marblehead is hereby authorized and directed to increase the pension payable to Carl E. Varrell, a retired patrolman in the police department of the town of Marblehead, who as a result of injuries sustained by him while in the performance of his duties as a police

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officer is totally and permanently incapacitated for further service as a police officer. The annual amount of pension payable said Carl E. Varrell under the provisions of this act shall be fixed in an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a police officer of said town, at the grade held by him at the time of his retirement. The annual pension payable to said Carl E. Varrell under the provisions of this act shall be reduced by the amount of any compensation he may receive from any gainful employment after the effective date of this act.

**SECTION 2.** The commonwealth shall reimburse the town of Marblehead for cost of living payments to Carl E. Varrell which would have been paid had this act not been passed.

**SECTION 3.** Upon the death of said Carl E. Varrell, if he dies as the natural and proximate result of the injury sustained or hazard undergone which resulted in his retirement, leaving Sheila A. Varrell, his wife, surviving him, the town of Marblehead retirement board shall pay to her, so long as she remains unmarried, a pension in the amount of seventy-two per cent of the amount of the pension payable to said Carl E. Varrell at the time of his death, plus a cost of living allowance pursuant to the terms and conditions of section one hundred and two of chapter thirty-two of the General Laws. Upon the death or remarriage of the survivor wife, Sheila A. Varrell, of said Carl E. Varrell, the town of Marblehead shall pay to the legal guardian of any surviving child of Carl E. Varrell until such child reaches age eighteen, or who is over said age and under age twenty-two and a full time student at an accredited educational institution, a pension of equal proportion to each such child which shall total in the aggregate the allowance paid to Sheila A. Varrell, so long as such child survives and is under age eighteen, or if over said age and under age twenty-two, is a full time student at an accredited educational institution.

**SECTION 4.** This act shall take effect upon its passage.

Approved July 27, 1988.

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**Chapter 216. AN ACT PROVIDING FOR UNIFORM FUNDS  
AVAILABILITY REQUIREMENTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for uniform funds availability requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows: