

HOUSE No. 6415

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 3, 1982.

The committee on State Administration, to whom were referred so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing an effective minority and women owned business enterprise set aside program for certain state building projects (accompanied by bill, House, No. 18); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing administrative flexibility and clarification to the enabling statutes creating said division (accompanied by bill, House, No. 19); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing an effective contractor qualification system for public building construction contracts (accompanied by bill, House, No. 20); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing required clarifications to certain statutes regarding the Commonwealth's capital budget (accompanied by bill, House, No. 21); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing required clarifications to the Commonwealth's designer selection procedures (accompanied by bill, House, No. 22); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing certain clarifications to the public building construction bid law (accompanied by bill, House, No. 23); so much of the recommendations of the Division of Capital Planning and Operations (House, No. 17) as relates to providing a designer fee proposal system (accompanied by bill, House, No. 24); so much of the recommendations of the Department of Public Works (House, No. 199) as relates to extra work or materials, orders and claims in public contracts (accompanied by bill, House, No. 211); and the petition (accompanied by bill, Senate, No. 1102) of Louis P.

Bertonazzi, Philip L. Shea and Timothy A. Bassett for legislation relative to competitive bidding on public contracts estimated to cost more than fifty thousand dollars; the petition (accompanied by bill, Senate, No. 1103) of Louis P. Bertonazzi, Philip L. Shea and Timothy A. Bassett for legislation to raise the amount of a construction contract under which a bidder is exempt from the state finance law; the petition (accompanied by bill, Senate, No. 1104) of Louis P. Bertonazzi, Sharon M. Pollard, Philip L. Shea and Timothy A. Bassett for legislation to establish the small contractors' resource program of Massachusetts and a fund to administer said program; the petition (accompanied by bill, Senate, No. 1108) of Robert C. Buell and John J. Curtin for legislation to clarify the law relating to bonding; the petition (accompanied by bill, Senate, No. 1109) of Robert C. Buell for legislation to increase the accountability of designers for public construction projects; the petition (accompanied by bill, Senate, No. 1118) of Gerard D'Amico, AFSCME, Council 93, AFL-CIO, by Joseph M. Bonavita, executive director, and Sharon M. Pollard for legislation to establish standards for certain contracts; the petition (accompanied by bill, Senate, No. 1119) of Gerard D'Amico, AFSCME, Council 93, AFL-CIO, by Joseph M. Bonavita, executive director, and Sharon M. Pollard for legislation to establish standards for certain contracts; the petition (accompanied by bill, Senate, No. 1120) of Gerard D'Amico, AFSCME, Council 93, AFL-CIO, by Joseph M. Bonavita, executive director, and Sharon M. Pollard for legislation to establish standards for certain contracts; the petition (accompanied by bill, Senate, No. 1121) of Gerard D'Amico, AFSCME, Council 93, AFL-CIO, by Joseph M. Bonavita, executive director, and Sharon M. Pollard for legislation to establish standards for certain contracts; the petition (accompanied by bill, Senate, No. 1122) of Gerard D'Amico, AFSCME, Council 93, AFL-CIO, by Joseph M. Bonavita, executive director, and Sharon M. Pollard for legislation to establish standards for certain contracts; the petition (accompanied by bill, Senate, No. 1140) of John W. Olver for legislation to amend the procedures for public construction in the Commonwealth; the petition (accompanied by bill, Senate, No. 1149) of Sharon M. Pollard, T. Daniel Tearno and Frank A. Emilio for legislation relative to small business purchasing; the petition (accompanied by bill, Senate, No. 1151) of Sharon M. Pollard and Nicholas J. Costello for legislation to amend the proce-

dures for public construction in the Commonwealth; the petition (accompanied by bill, Senate, No. 1161) of Peter C. Webber for legislation to amend the procedures for public construction in the Commonwealth; the petition (accompanied by bill, House, No. 559) of Mary Jeanette Murray that municipalities be authorized to use public building construction plans; the petition (accompanied by bill, House, No. 563) of Marie J. Parente for legislation to require the filing with the State Secretary of plans for the construction of public buildings; the petition (accompanied by bill, House, No. 729) of Walter E. Bickford for legislation to promote the purchase of foods from Massachusetts farms by state agencies; the petition (accompanied by bill, House, No. 730) of John H. Flood for legislation to require public buildings to be designed to provide for the maximum use of solar energy; the petition (accompanied by bill, House, No. 731) of Peter Forman relative to bidding requirements for public construction; the petition (accompanied by bill, House, No. 919) of Vincent J. Piro for legislation to include arbitration clauses in public construction contracts; the petition (accompanied by bill, House, No. 953) of Barbara E. Gray, Sharon M. Pollard and another relative to the employment of women and minorities in the construction trades; the petition (accompanied by bill, House, No. 1061) of James J. Craven, Jr., and another for legislation to clarify the payment bond protection for persons performing labor or performing labor and furnishing materials on contracts for public building or other public works; the petition (accompanied by bill, House, No. 1062) of James J. Craven, Jr., and another for legislation to require the employment of women in the construction trades; the petition (accompanied by bill, House, No. 1063) of James J. Craven, Jr., and another that provision be made for fair competition by requiring payment of certain wage rates; the petition (accompanied by bill, House, No. 1064) of James J. Craven, Jr., and another relative to the Massachusetts Industrial Finance Agency; the petition (accompanied by bill, House, No. 1065) of James J. Craven, Jr., and another for legislation to provide for fair competition between a sub-trade and a general contractor; the petition (accompanied by bill, House, No. 1066) of James J. Craven, Jr., and another for legislation to protect the payment of prevailing wages and to promote the existence of apprentice programs and health and welfare plans; the petition (accompanied by bill, House, No. 1068) of James J. Craven, Jr., and another relative

to filed sub-bids and subcontractor listings; the petition (accompanied by bill, House, No. 1081) of Angelo Marotta relative to reviving and continuing the special commission established to make an investigation and study relative to the awarding of contracts for construction and materials by counties, cities, towns, and districts in cases of extreme emergency and other related matters; the petition (accompanied by bill, House, No. 1084) of Angelo Marotta and Lawrence R. Alexander for legislation relative to the responsibility of general contractors for public building construction and the broadening of cost saving technology and access to public building contracts; the petition (accompanied by bill, House, No. 1233) of Andrew H. Card, Jr., Philip W. Johnston, Argeo P. Cellucci and another for legislation to focus accountability for public building construction exclusively on general contractors, to encourage the use of efficient cost saving architectural technology, and to broaden access to public building contracts; the petition (accompanied by bill, House, No. 1238) of Raymond A. Jordan, Jr., Melvin H. King, Doris Bunte, Sandra Graham and Michael J. Barrett for legislation to raise the amount of construction contracts under which a bidder is exempt from the state finance law; the petition (accompanied by bill, House, No. 1286) of James J. Craven, Jr., for legislation relative to the Massachusetts Industrial Finance Agency; the petition (accompanied by bill, House, No. 1393) of J. Francis Granger relative to the rate of wages established by the Commissioner of Labor and Industries for the operators of trucks and other equipment rented for public works; the petition (accompanied by bill, House, No. 1394) of J. Francis Granger for legislation to remove the cities, towns and districts from certain provisions of law relative to wages paid to operators of trucks and other equipment rented for use on public works; the petition (accompanied by bill, House, No. 1395) of J. Francis Granger for legislation to provide local option by cities, towns and awarding authorities from prevailing wages established for operators of hired equipment for work done under local aid and state aid forces account projects; the petition (accompanied by bill, House, No. 1556) of James J. Craven, Jr., for legislation to provide for fair competition between a sub-trade and a general contractor; the petition (accompanied by bill, House, No. 1557) of James J. Craven, Jr., relative to filed sub-bids and subcontractor listings; the petition (accompanied by bill, House, No. 1558) of James J. Craven, Jr., for

legislation to clarify the payment bond protection for persons performing labor or both performing labor and furnishing materials, or furnishing materials on contracts for public building or other public work; the petition (accompanied by bill, House, No. 1559) of James J. Craven, Jr., that provision be made for fair competition by requiring payment of certain wage rates; the petition (accompanied by bill, House, No. 1560) of James J. Craven, Jr., for legislation to require the employment of women in construction trades; the petition (accompanied by bill, House, No. 1562) of James J. Craven, Jr., for legislation to protect the payment of prevailing wages and to promote the existence of apprentice programs and health and welfare plans; the petition (accompanied by bill, House, No. 1695) of Barbara E. Gray for legislation to require that estimates be taken for water using or distribution systems for state construction; the petition (accompanied by bill, House, No. 1849) of Theodore J. Aleixo, Jr., for legislation to establish standards for certain state contracts; the petition (accompanied by bill, House, No. 1855) of Mary Jane Gibson relative to providing that wage levels set for contractors with housing authorities shall not exceed the wage scales for equivalent work set by the city or town; the petition (accompanied by bill, House, No. 1889) of the Board of Directors of the Massachusetts Bay Transportation Authority and Mary Jane Gibson relative to the prequalifications of contractors by said authority; the petition (accompanied by bill, House, No. 1990) of Henry R. Grenier and others for legislation to provide local option by cities, towns and awarding authorities from prevailing wages established for operators of hired equipment for work done under local aid and state aid forces account projects; the petition (accompanied by bill, House, No. 1991) of Philip W. Johnston relative to reducing the minimum amount required for bids on state contracts from forty thousand dollars to ten thousand dollars; the petition (accompanied by bill, House, No. 1992) of Philip W. Johnston and Lawrence R. Alexander for legislation to clarify the powers and duties of certain state officials; the petition (accompanied by bill, House, No. 1993) of Philip W. Johnston and Lawrence R. Alexander relative to changing the definition of "capital facility" relative to public construction; the petition (accompanied by bill, House, No. 1995) of M. Joseph Manning relative to regulating competitive bidding for public building projects; the petition (accompanied by bill, House, No. 1996) of M. Joseph Man-

ning relative to expediting direct payments to subcontractors furnishing material or labor and materials on public construction; the petition (accompanied by bill, House, No. 1997) of M. Joseph Manning relative to expediting payments to contractors furnishing labor or labor and materials to subcontractors and improving the flow of funds in the construction industry; the petition (accompanied by bill, House, No. 1998) of M. Joseph Manning relative to clarifying the requirement for listing subcontractors in sub-bids; the petition (accompanied by bill, House, No. 1999) of M. Joseph Manning relative to further regulating payment to contractors on contracts for certain public construction projects; the petition (accompanied by bill, House, No. 2159) of A. Joseph DeNucci, Thomas R. Lussier, Nicholas J. Buglione and another relative to establishing standards for certain contracts; the petition (accompanied by bill, House, No. 2161) of Sandra Graham and other members of the General Court relative to providing an effective minority and women owned business enterprise set aside for certain state building projects; the petition (accompanied by bill, House, No. 2172) of Angelo M. Scaccia for legislation to provide that a percentage of all procurement contracts and loan programs be set aside for veterans only; the petition (accompanied by bill, House, No. 2500) of Joseph N. Hermann relative to requiring the recording of payment bonds provided for in specifications for construction work; the petition (accompanied by bill, House, No. 2502) of the Associated Subcontractors of Massachusetts relative to the composition of the Designer Selection Board; the petition (accompanied by bill, House, No. 2504) of the Associated Subcontractors of Massachusetts for legislation to permit awarding authorities to award building contracts by the use of contract managers; the petition (accompanied by bill, House, No. 2506) of the Associated Subcontractors of Massachusetts for legislation to bar certain requirements for indemnity in the construction industry; the petition (accompanied by bill, House, No. 2507) of Mary Jeanette Murray for legislation to further define the word "designer" as used in the law relative to the Designer Selection Board; the petition (accompanied by bill, House, No. 2727) of Joseph N. Hermann relative to conforming the statutes to the rules for civil procedure on bonds for payment for labor and other charges on public construction contracts; the petition (accompanied by bill, House, No. 2728) of the Associated Subcontractors of Massachusetts for legislation to amend the competi-

tive bidding laws by closing loopholes which cause unfair competition among general bidders and sub-bidders and to speed up periodic payments and final payments on building contracts; the petition (accompanied by bill, House, No. 2861) of Joseph A. DiGiovanni, Jr., for legislation to further clarify the law providing for security for payment of labor and materials charges on public works projects; the petition (accompanied by bill, House, No. 2863) of Charles F. Flaherty, Jr., for legislation to require that public contracts contain appropriations for the creation and installation of works of art in certain public buildings; the petition (accompanied by bill, House, No. 2868) of Andrew S. Natsios for legislation to increase municipal construction of public buildings through home rule options; the petition (accompanied by bill, House, No. 3066) of Melvin H. King, Sandra Graham, Doris Bunte, Michael J. Barrett and Mary Jane Gibson that provision be made for the waiver of performance bonds, quality bonds, labor and materials or payment bond requirements on certain public building contracts; the petition (accompanied by bill, House, No. 3251) of James J. Craven, Jr., and another for legislation to provide security for payment to subcontractors and suppliers and to assure payment of prevailing wages to labor; the petition (accompanied by bill, House, No. 3252) of the Massachusetts AFL-CIO and Thomas M. Finneran for legislation to provide prevailing wages for employees of contractors engaged in construction for certain utility companies; the petition (accompanied by bill, House, No. 3254) of Andrew S. Natsios that contracts for construction, repair or renovation of housing projects in the Commonwealth be exempt from the prevailing wage law, so-called; the petition (accompanied by bill, House, No. 3361) of William G. Robinson and other members of the General Court for legislation to improve the system of public purchasing in the Commonwealth; the petition (accompanied by bill, House, No. 3492) of William F. Galvin relative to authorizing the construction of a pedestrian crossing in the vicinity of the Boston University Bridge in the city of Boston; the petition (accompanied by bill, House, No. 3538) of Salvatore F. DiMasi for legislation to further define the powers and duties of the State Superintendent of Buildings; the petition (accompanied by bill, House, No. 3672) of Salvatore F. DiMasi relative to the status of certain personnel concerning public construction contracts; the petition (accompanied by bill, House, No. 3674) of Stephen W. Doran and other

for legislation to establish standards for certain contracts with the Commonwealth; the petition (accompanied by bill, House, No. 3849) of Howard C. Cahoon, Jr., that certain towns be exempt from paying union wages on public construction projects; the petition (accompanied by bill, House, No. 3850) of Howard C. Cahoon, Jr., and another relative to the purchase and display of works of art in public buildings; the petition (accompanied by bill, House, No. 4006) of Thomas M. Finneran and another for legislation to protect the payment of prevailing wages and to promote the existence of apprentice programs and health and welfare plans; the petition (accompanied by resolve, House, No. 5170) of Angelo Marotta relative to reviving and continuing the special commission established to make an investigation and study relative to the effect of the prevailing wage laws, so-called, upon local and state government; and the petition (accompanied by bill, House, No. 5741) of Joseph A. DiGiovanni, Jr., and William A. Carey for legislation to clarify the law relating to security for payment of labor, materials and other charges on certain public works; reports recommending that the accompanying resolve (House, No. 6415) ought to pass.

For the committee,

ANGELO MAROTTA.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

1 *Resolved*, That the special commission, established by chapter
2 eighty-eight of the resolves of nineteen hundred and sixty-five, and
3 most recently revived and continued by chapter of the resolves of
4 nineteen hundred and eighty-two, shall, in the course of its investi-
5 gation and study, consider the subject matter of current senate
6 documents numbered 1102, relative to competitive bidding on
7 public contracts; 1103, raising the amount of a construction con-
8 tract; 1104, establishing the small contractor's resource program of
9 Massachusetts; 1108, clarifying the law relating to bonding; 1109,
10 increasing the accountability for designers for public construction
11 projects; 1118, establishing standards for certain contracts; 1119,
12 establishing standards for certain contracts; 1120, establishing
13 standards for certain contracts; 1121, establishing standards for
14 certain contracts; 1122, establishing standards for certain con-
15 tracts; 1140, amending the procedures for public construction in
16 the Commonwealth; 1149, relative to small business purchasing;
17 1151, amending the procedures for public construction in the
18 Commonwealth; 1161, amending the procedures for public con-
19 struction in the Commonwealth; and House documents numbered
20 18, providing an effective minority and women owned business
21 enterprise set aside program for certain state building projects; 19,
22 providing administrative flexibility and clarification to the ena-
23 bling statutes creating the division of capital planning and opera-
24 tions; 20, providing an effective contractor qualification system for
25 public building construction contracts; 21, providing required clar-
26 ifications to certain statutes regarding the Commonwealth's capi-
27 tal budget; 22, providing required clarifications to the Common-

28 wealth's designer selection procedures; 23, providing certain clarifica-
29 tions to the public building construction bid law; 24, providing a
30 designer fee proposal system; 211, relative to extra work on mate-
31 rials, orders, and claims in public contracts; 559, authorizing mu-
32 nicipalities to use public building plans filed with the Secretary of
33 the Commonwealth; 563, requiring the filing of plans for the
34 construction of public buildings with the Secretary of State; 729,
35 promoting purchase of products of Massachusetts farms; 730,
36 providing for solar energy use in public buildings; 731, relative to
37 bidding requirements; 919, providing for the inclusion of an arbi-
38 tration clause in certain construction contracts; 953, requiring the
39 employment of women in the construction trades; 1061, clarifying
40 the payment bond protection for persons performing labor on
41 performance labor; 1062, requiring the employment of women in
42 the construction trades; 1063, providing for fair competition by
43 requiring payment of certain wage rates; 1064, relative to the
44 Massachusetts Industrial Finance Agency; 1065, providing for fair
45 competition between a sub-trade and a general contractor; 1066,
46 protecting the payment of prevailing wages and to promote the
47 existence of apprentice programs and health and welfare plans;
48 1068, relative to filed sub-bids and sub-contractor listings; 1084,
49 focusing accountability for public building construction exclusive-
50 ly on general contractors; 1233, focusing accountability for public
51 building construction; 1238, raising the amount of construction
52 contracts under which the bidder is exempt from the state finance
53 law; 1286, relative to the Massachusetts Industrial Finance Agen-
54 cy; 1393, relative to the Rate of Wages established by the Commis-
55 sioner of labor and industries; 1394, removing cities and towns and
56 districts from certain provisions of law; 1395, providing local
57 option by cities, towns and awarding authorities from prevailing
58 wages; 1556, providing for fair competition between a sub-trade
59 and a general contractor; 1557, relative to filed sub-bids and sub-
60 contractor listings; 1558, clarifying the payment bond protection
61 for persons performing labor or performance labor; 1559, provid-
62 ing for fair competition by requiring payment of certain wage rates;
63 1560, requiring the employment of women in the construction
64 trades; 2507, further defining the word "designer" as used in the law
65 relative to the designer selection board; 1562, protecting the pay-

66 ment of prevailing wages; 1695, requiring estimates be taken for
67 water using or distribution systems for state construction; 1849,
68 establishing standards for certain contracts; 1855, providing that
69 wage laws set for contractors with housing authorities; 1889, rela-
70 tive to the prequalification of contractors by the Massachusetts
71 Bay Transportation Authority, 1990, providing local option by
72 cities, towns and awarding authorities from prevailing wages;
73 1991, directing the commission of administration and finance to
74 reduce the amount required for a contract; 1992, clarifying the
75 powers and duties of certain state officials; 1993, changing the
76 definition of capital facility relative to public construction; 1995,
77 regulating competitive bidding for public building projects; 1996,
78 expediting direct payments to subcontractors furnishing materials
79 or labor and materials; 1997, expediting payment to contractors
80 furnishing labor; 1998, clarifying the requirement for listing subcon-
81 tractors in sub-bids; 1999, regulating payment to contractors on con-
82 tracts for certain public construction projects; 2159, establishing
83 standards for certain contracts; 2161, providing an effective minor-
84 ity and women owned business enterprise set aside for certain state
85 building projects; 2172, reserving for veterans state procurement
86 contracts and loan programs; 2500, requiring recording of a pay-
87 ment bond provided for in specifications for construction work;
88 2502, relative to the composition of the designer selection board;
89 2504, permitting awarding authorities to award building contracts
90 by the use of contract managers; 2506, barring certain require-
91 ments for indemnity in the construction industry; 2727, conform-
92 ing the statutes to the rules for civil procedure; 2728, amending the
93 competitive bidding statute; 2861, clarifying the law providing for
94 security for payment of labor and material charges on public works
95 projects; 2863, providing for art in public places; 2868, increasing
96 local construction through home rule options; 3066, providing for
97 the waiver of performance bond; 3251, providing security for
98 payment to subcontractors and suppliers; 3252, providing prevail-
99 ing wages for employees of contractors engaged in construction for
100 certain utility companies; 3253, exempting housing projects from
101 the prevailing wage law, so-called; 3361, relative to commonwealth
102 purchasing; 3492, authorizing the construction of a pedestrian
103 crossing in the vicinity of the Boston University Bridge in the City
104 of Boston; 3538, defining the powers and duties of the state super-

105 intendent of buildings; 3672, relating to the status of certain per-
106 sonnel; 3674, establishing standards for certain contracts; 3849,
107 exempting certain towns from paying union wages on public con-
108 struction projects; 3850, providing for the purchase and display of
109 works of art in public buildings; 4006, protecting the payment of
110 prevailing wages; 5170, resolve reviving and continuing the special
111 commission; 5741, clarifying the law relating to security for pay-
112 ment of labor, materials, charges, etc., on certain public works.