

By Mr. Ruane of Salem, petition of J. Michael Ruane for legislation to establish standards for certain contracts by state agencies. State Administration.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING STANDARDS FOR 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 Section 29A of Chapter 29 of the General Laws, as most recently
2 amended by Section 30 of Chapter 835 of the Acts of 1974, is
3 hereby amended by striking the whole section and substituting the
4 following new section:—

5 *Section 29A.* All departments, offices, boards, agencies, com-
6 missions or institutions within any executive office established by
7 Chapters 6A and 7 shall request and receive approval from the
8 commissioner of administration before entering into a contract for
9 services for which compensation is to be paid from a subsidiary
10 account in the expenditure code manual.

11 The commissioner of administration shall make, and may from
12 time to time, amend rules and regulations governing such con-
13 tracts. Such rules and regulations shall be open to public inspection
14 in the division of personnel administration and copies thereof shall
15 be made available to any person upon request. Such rules and
16 regulations shall not be subject to the provisions of Chapter 30A.
17 Such rules and regulations shall also include, but need not be
18 limited to the following requirements, none of which shall be
19 waived:—

20 (1) a request therefor on a form prescribed by the commissioner
21 of Administration specifically setting forth the need for such serv-
22 ices and which shall clearly indicate that the work or services to be
23 provided under the contract are not of a kind currently provided by
24 state employees nor that the execution of the contract shall result in
25 the replacement or displacement of current state employees;

26 (2) the duration of the contract or the scope of work to be done
27 and such other information as shall be required to establish the
28 maximum limit of the commonwealth's obligation;

29 (3) a written contract specifically setting forth the rights, duties
30 and responsibilities of the parties;

31 (4) a resume setting forth the qualifications of the proposed
32 contractor as they relate to the aforementioned contract;

33 (5) a disclosure statement setting forth any other income de-
34 rived by the proposed contractor from the commonwealth or any
35 of its political subdivisions;

36 (6) a statement setting forth the names and addresses of all
37 persons with any interest in said contract.

38 No department, office, board, commission or institution within
39 any of the executive offices established by Chapters 6A and 7 shall
40 contract for the provision of any service without the prior written
41 approval of such contract by the secretary having charge of such
42 executive office. No payment shall be made on any contract prior
43 to the date upon which the form requesting said contract as re-
44 quired by clause (1) has been approved by the secretary having
45 charge of such executive office and the commissioner of adminis-
46 tration who shall be satisfied that the requirements have been met,
47 and a copy of the said approvals have been filed with the comp-
48 troller.

49 The commissioner of administration shall make, and may from
50 time to time, amend rules and regulations governing the use of
51 consultants in all departments, offices, boards, agencies, commis-
52 sions, and institutions. Such rules and regulations shall establish,
53 after recommendations by the personnel administrator, the rate of
54 compensation of such services and shall provide for the prior
55 approval by the said administrator of the rate of any such service
56 for which no rate has previously been established by such regula-
57 tion. The use of consultants shall be subject to all the aforemen-
58 tioned requirements of this section. As used in this section the word
59 "consultant" shall mean any person who, as a non-employee of the
60 commonwealth, gives advice or service regarding matters in the
61 field of his knowledge and training. No person employed by the
62 commonwealth as a consultant so-called shall directly or indirectly
63 supervise another temporary or permanent employee of the com-
64 monwealth.

65 The commissioner of administration shall submit copies of said
66 approval forms within thirty days to the joint legislative commit-
67 tee on post audit and oversight of the general court.

68 The provisions of Section 1 of this Act shall not apply to any
69 institution of higher education of the commonwealth.

