

By Mr. Blute of Shrewsbury, petition of Peter I. Blute, Robert H. Marsh and Mary Jane McKenna for legislation to authorize the Executive Office for Administration and Finance to assume control of the John B. Hynes Convention Center. State Administration.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety.

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**AN ACT TO PRIVATIZE THE MANAGEMENT OF THE JOHN B. HYNES CONVENTION CENTER.**

*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 190 of the Acts and Resolves of nineteen hundred and  
2 eighty-two is hereby amended by striking sections thirty-one  
3 through forty-eight as so appearing and inserting in place thereof  
4 the following: —

5 Section 31. It is hereby found and declared that there is no  
6 reason for an authority of the commonwealth to oversee, manage  
7 or construct a facility used to accommodate gatherings of  
8 governmental, civic, trade, industry and other groups who wish  
9 to conduct conventions, conferences and similar events within the  
10 commonwealth. The lack of financial restraint and responsible  
11 management of a state authority in overseeing said facilities  
12 necessitates the transfer of power to a private management  
13 corporation. Said corporation shall run said facilities under the  
14 direction of the secretary of administration and finance.

15 Section 32. The executive office of administration and finance  
16 shall resume the control and operation of the Boston Common  
17 Parking Garage and the John B. Hynes Veterans Memorial  
18 Auditorium and all the powers conferred by this act, including  
19 but not limited to the following: —

20 (a) To adopt by-laws for the regulation of its affairs and the  
21 conduct of its business and to issue rules, regulations and policies  
22 in connection with the performance of its functions and duties;

23 (b) To adopt an official seal and alter the same at pleasure;

- 24 (c) To maintain an office in the city of Boston;
- 25 (d) To sue and be sued and plead and be impleaded in its own  
26 name;
- 27 (e) To make and execute all contracts and all other instruments  
28 necessary or convenient for the exercise of its power and functions;
- 29 (f) To acquire, lease, use, hold and mortgage real, personal or  
30 mixed property or any interest, easements or rights therein, as may  
31 be necessary or appropriate to carry out the provisions of this  
32 chapter;
- 33 (g) To enter into agreements or other transactions with the  
34 commonwealth or any political subdivision or public instrumen-  
35 tality thereof, the United States government or any federal, state  
36 or other governmental agency;
- 37 (h) To invest any funds held in reserve funds, or any funds not  
38 required for immediate disbursement, in such investments as may  
39 be lawful for fiduciaries in the commonwealth;
- 40 (i) To enter into a contract or contracts with any architect,  
41 engineer, consultant or contractor; provided, that in so doing the  
42 Authority shall comply with the provisions of chapter five  
43 hundred and seventy-nine of the acts of nineteen hundred and  
44 eighty which are applicable to public authorities;
- 45 (j) To employ architects, consulting engineers, attorneys,  
46 construction, financial and other experts, superintendents,  
47 managers and such other employees as may be necessary in its  
48 judgment and to fix their compensation;
- 49 (k) To receive funds, property, labor and other things of value  
50 from any source, public or private, by gift, grant, bequest, loan  
51 or otherwise, either absolutely or in trust, and to expand or utilize  
52 the same on behalf of the Authority for any of its purposes or  
53 to act as an agent or conduit in administering or disbursing funds  
54 or financial or other aid from any source;
- 55 (l) To appear in its own behalf before boards, commissions,  
56 departments or other agencies of government, municipal, state or  
57 federal;
- 58 (m) To procure insurance against any loss in connection with  
59 the property of the Authority, in such amounts and from such  
60 insurers as may be necessary or desirable;
- 61 (n) To receive funds from the commonwealth, including funds  
62 provided pursuant to chapter four hundred and eighty-six of the

63 acts of nineteen hundred and eighty for the construction,  
64 rehabilitation or expansion of convention centers;

65 (o) To enter into one or more agreements with one or more  
66 private entities or parties that, in exchange for such consideration  
67 and upon such terms and conditions as the Authority may deem  
68 appropriate, any facility or facilities, or portion or portions  
69 thereof, of the Authority shall be known and referred to by a  
70 particular name, commercial or otherwise, designated by any such  
71 private party or parties or entity or entities;

72 (p) To do any and all things necessary or convenient to carry  
73 out its purposes and exercise the powers conferred by this act.

74 Section 33. The secretary of administration and finance is  
75 hereby authorized to establish and revise rules and regulations to  
76 insure the use and occupancy of, and to fix, revise and collect fees,  
77 rents, rates, and other charges for use of, projects undertaken  
78 pursuant to the provisions of this chapter.

79 Such rules and regulations shall provide that such projects shall  
80 be available to prospective users of the facilities in a  
81 nondiscriminatory manner. Such rules and regulations and fees,  
82 rents, rates and other charges shall be fixed and adjusted, with  
83 respect to the aggregate of the revenues from such project, so as  
84 to provide revenues sufficient, after taking into account all other  
85 available monies, (a) to pay the cost of maintaining, repairing and  
86 operating such project, (b) to pay the current operating and  
87 administrative expenses relating to such project, and (c) to create  
88 and maintain reserves for the foregoing purposes. Such fees, rents,  
89 rates and other charges shall not be subject to supervision or  
90 regulation of any department, division, commission, board,  
91 bureau or agency of the commonwealth or any political  
92 subdivision thereof.

93 Section 34. The secretary of administration and finance shall  
94 award a contract for the provision of building management at said  
95 facilities. Said building management shall not include services for  
96 which contracts are subject to the provisions of section thirty-nine  
97 M of chapter thirty or section forty-four A of chapter one hundred  
98 and forty-nine. The contract for management services shall be  
99 awarded through the use of competitive sealed proposals in  
100 accordance with written selection procedures.

101 Request for said proposals shall be publicly advertised in a  
102 newspaper of general circulation in the commonwealth of



103 Massachusetts, in any periodical established by the secretary of  
104 state for the purpose of advertising such contracts; and in other  
105 trade publications and periodicals as determined by the secretary.  
106 The advertisement shall appear at least two weeks prior to the  
107 date established for the opening of proposals. The secretary may  
108 evaluate proposals on the basis of criteria in addition to cost;  
109 provided that all such criteria are set forth in the request for  
110 proposals, and provided further that if the secretary awards the  
111 contract to an offeror who did not submit the lowest price, he  
112 shall explain the reasons for the award in writing, specify in  
113 reasonable detail the basis for determining that the quality of  
114 services under the contract will not exceed the commonwealth's  
115 actual needs and that the quality services offered in each lower  
116 priced proposal would not meet the commonwealth's actual need.  
117 The contract shall contain performance criteria. The secretary  
118 shall, at least annually, prepare a written evaluation of the  
119 contractor's performance. The contract shall be for a term of not  
120 more than five years, provided that the secretary shall not solicit  
121 or award a contract for a term exceeding one year unless he has  
122 determined in writing that a contract term exceeding one year will  
123 result in significant cost savings to the commonwealth.

124 The secretary shall annually, on or before September first,  
125 submit to the joint committee on state administration a  
126 comprehensive report on the management and condition of said  
127 property. A copy of the report shall be provided to the inspector  
128 general.

129 Section 35. The secretary of administration and finance shall  
130 establish a commission, consisting of fifteen members, one of  
131 whom shall be the secretary of administration and finance or his  
132 designee, the secretary of economic affairs, or his designee, the  
133 secretary of labor affairs or his designee, the inspector general,  
134 or his designee, the president of Greater Boston Chamber of  
135 Commerce, or his designee, and the remaining ten positions  
136 appointed by the Governor, the appointees shall have proven  
137 experience in management, economic development or tourism, for  
138 the purpose of investigating and studying privatization of the  
139 Hynes Auditorium and the Boston Common Parking Garage.

140 Said commission shall report to the clerk of the senate and the

141 clerk of the house of representatives the results of its investigations  
142 and study and its recommendations together with drafts of  
143 legislation necessary to implement their recommendations on or  
144 before the first Wednesday in June nineteen hundred and ninety.





