

**HOUSE . . . . . No. 3466**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, April 14, 1964.

The committee on State Administration, to whom was referred the special report of the Executive Office for Administration and Finance (under section 7 of chapter 7 of the General Laws, as amended by chapter 757 of the Acts of 1962) recommending legislation to regulate further the bidding procedures and the awarding of certain contracts by the Department of Public Works (House, No. 3132), report the accompanying bill (House, No. 3466).

For the committee,

STEPHEN T. CHMURA,

## The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE APPEAL OF PROSPECTIVE BIDDERS  
AGGRIEVED BY DECISIONS OF THE PRE-QUALIFICATION COMMITTEE  
OR THE COMMISSION OF PUBLIC WORKS.

*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 8B of chapter 29 of the General Laws, inserted by  
2 chapter 754 of the acts of 1962, is hereby amended by striking  
3 out the seventh and eighth paragraphs and inserting in place  
4 thereof the following two paragraphs: —

5 Any prospective bidder who is aggrieved by any decision or  
6 determination of the prequalification committee or the com-  
7 missioner which affects his right to bid may file a new applica-  
8 tion for qualification at any time, or within fifteen days after  
9 receiving notice of such decision the applicant may request in  
10 writing a hearing before the public works commission acting as a  
11 board of contract appeals as provided in clause (b) of section  
12 five of chapter sixteen.

13 Any bidder or prospective bidder who so requests shall be  
14 granted a hearing at which he may submit any and all additional  
15 information or evidence bearing upon his finances, experience  
16 or other qualifications which may be relevant thereto. Such  
17 hearing may be referred by the commission to the hearing ex-  
18 aminer and shall be held without delay. The commission may  
19 modify, amend or reverse any previous decision of the pre-  
20 qualification committee or the commissioner with respect to  
21 the qualification of the applicant or may sustain such previous  
22 decision. Such hearing shall be deemed to be an adjudicatory  
23 proceeding and any bidder or prospective bidder who is aggrieved  
24 by the decision of the commission shall have a right to judicial  
25 review under the applicable provisions of said chapter thirty A.