

**HOUSE . . . . . No. 3280**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Edward F. Copping***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transparency in private utility construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward F. Copping</i>	<i>10th Suffolk</i>	<i>1/27/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/24/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>2/24/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/24/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/24/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/24/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/24/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/24/2021</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/24/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/24/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/24/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/24/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/24/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/25/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/25/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/25/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>

<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/26/2021</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/26/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/26/2021</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/26/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/26/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/26/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/26/2021</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/26/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/26/2021</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>2/26/2021</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/26/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/26/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>3/4/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/4/2021</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>3/4/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/9/2021</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>3/17/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/17/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/17/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>

**HOUSE . . . . . No. 3280**

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 3280) of Edward F. Coppinger and others relative to the availability of private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2827 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to transparency in private utility construction 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 1. Chapter 164 of the General Laws, as appearing in the 2012 Official Edition, is  
2 hereby amended by inserting after Section 76D the following section:-Section 76 E.(a) As used  
3 in this section, the following words shall, unless the context otherwise requires, have the  
4 following meanings:-

5           “Company”, a gas or distribution company

6           “Contract”, any agreement for the procurement of services specified under subsection  
7 (b), regardless of what the parties call the agreement.

8           “Responsible Bidder”, a person who has the capability to perform fully the contract  
9 requirements, and the integrity and reliability which assures good faith performance.

10           “Score” , the quantities or qualitatively rating or method utilized by the company to  
11 award a contract

12           (b) When entering into a contract in the amount of \$100,000 or more for services related  
13 to the excavation or construction upon, along, or across any public way, each company shall be  
14 subject to this section.

15           (c) A company shall(1) within two business days after the decision has been made,inform  
16 any responsible bidder which submitted a bid of its decision in relation to the award of a  
17 contract, and shall do so by notice in writing by the most rapid means of communication  
18 possible; and (2) post on their website (i)name of the contractor, (ii)location of project,(iii)  
19 duration of work.

20           (d) The written notice to each responsible bidder shall include (1) The criteria for the  
21 award of the contract; and (2) the score obtained by the responsible bidder; and (3) winning  
22 amount.

23           (e) Where there is only one response to a solicitation, a company need not comply with  
24 this section.

25           (f) A company may withhold any information to be provided in accordance with the  
26 section where disclosure of such information (1) would impede law enforcement,(2) would  
27 otherwise be contrary to the public interest, (3) would prejudice the legitimate commercial  
28 interests of any responsible bidder; or (4) might interfere with competition between responsible  
29 bidders.

30 (g) The department shall be responsible for enforcing this section , and may promulgate  
31 regulations and issue orders it deems in the public interest regarding the procurement practices of  
32 companies.