HOUSE No. 3682

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Coppinger

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:
Edward F. Coppinger	10th Suffolk	1/11/2023
Adam Scanlon	14th Bristol	1/30/2023
Rodney M. Elliott	16th Middlesex	1/31/2023
Mathew J. Muratore	1st Plymouth	1/31/2023
James C. Arena-DeRosa	8th Middlesex	1/31/2023
Steven S. Howitt	4th Bristol	1/31/2023
Michael D. Brady	Second Plymouth and Norfolk	1/31/2023
Christopher Hendricks	11th Bristol	1/31/2023
Angelo J. Puppolo, Jr.	12th Hampden	1/31/2023
John Barrett, III	1st Berkshire	1/31/2023
Christopher J. Worrell	5th Suffolk	1/31/2023
Carlos González	10th Hampden	1/31/2023
Vanna Howard	17th Middlesex	1/31/2023
Joseph W. McGonagle, Jr.	28th Middlesex	1/31/2023
David Henry Argosky LeBoeuf	17th Worcester	1/31/2023
Frank A. Moran	17th Essex	1/31/2023
Gerard J. Cassidy	9th Plymouth	1/31/2023
Lindsay N. Sabadosa	1st Hampshire	1/31/2023

David F. DeCoste	5th Plymouth	1/31/2023
Jack Patrick Lewis	7th Middlesex	2/1/2023
Carmine Lawrence Gentile	13th Middlesex	2/1/2023
Erika Uyterhoeven	27th Middlesex	2/1/2023
Thomas P. Walsh	12th Essex	2/7/2023
Paul McMurtry	11th Norfolk	2/7/2023
Patricia A. Duffy	5th Hampden	2/7/2023
Tackey Chan	2nd Norfolk	2/7/2023
Rady Mom	18th Middlesex	2/7/2023
Christopher M. Markey	9th Bristol	2/7/2023
Todd M. Smola	1st Hampden	2/7/2023
James K. Hawkins	2nd Bristol	2/14/2023
Kay Khan	11th Middlesex	2/14/2023
Jerald A. Parisella	6th Essex	2/14/2023
Walter F. Timilty	Norfolk, Plymouth and Bristol	2/14/2023
Thomas M. Stanley	9th Middlesex	2/14/2023
Margaret R. Scarsdale	1st Middlesex	2/14/2023
Michelle M. DuBois	10th Plymouth	2/14/2023
Christine P. Barber	34th Middlesex	2/14/2023
Colleen M. Garry	36th Middlesex	2/14/2023
Rob Consalvo	14th Suffolk	2/22/2023
James B. Eldridge	Middlesex and Worcester	2/22/2023
Brian W. Murray	10th Worcester	2/22/2023
Kate Lipper-Garabedian	32nd Middlesex	2/27/2023
Christopher Richard Flanagan	1st Barnstable	2/27/2023

HOUSE No. 3682

By Representative Coppinger of Boston, a petition (accompanied by bill, House, No. 3682) of Edward F. Coppinger and others relative to transparency in private utility construction contracts. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 3281 OF 2021-2022.]

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

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,
- 2 is hereby amended by inserting after Section 76D the following section:-
- 3 Section 76E. (a) As used in this section, the following words shall, unless the context
- 4 otherwise requires, have the following meanings: SEPISEP!
- 5 "Company", a gas or distribution company. [1]
- 6 "Contract", any agreement for the procurement of services specified under subsection (b),
- 7 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.

"Score", the quantitative or qualitative rating or method utilized by the company to award a contract

- (b) When entering into a contract in the amount of \$100,000 or more for services related to the excavation or construction upon, along, under, or across any public way, each company shall be subject to this section.
- (c) A company shall (1) within two business days after the decision has been made, inform any responsible bidder which submitted a bid of its decision in relation to the award of a contract, and shall do so by notice in writing by the most rapid means of communication possible; and (2) post the winning bid on its website with (i) the name of the contractor, (ii) winning amount, (iii) location of project.
- (d) The written notice to each responsible bidder shall include (1) the criteria for the award of the contract; and (2) the score obtained by the responsible bidder.
- (e) Where there is only one response to a solicitation, a company need not comply with this section.
- (f) A company may withhold any information to be provided in accordance with the section where the disclosure of such information (1) would impede law enforcement, (2) would otherwise be contrary to the public interest, (3) would prejudice the legitimate commercial interests of any responsible bidder; or (4) might interfere with competition between responsible bidders.

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