

# HOUSE . . . . . No. 03863

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill establishing the Massworks infrastructure program (House, No. 3619) ought to pass with an amendment substituting a bill with the same title (House, No. 3863). December 29, 2011.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing the Massworks infrastructure program.

*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 6C of the General Laws, as appearing in the 2010 Official Edition, is  
2 hereby amended by striking out sections 47 through 48.

3 SECTION 2. Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is  
4 hereby amended by inserting after section 62 the following section:-

### 5 MASSWORKS INFRASTRUCTURE PROGRAM

6 Section 63. (a) There shall be within the executive office of housing and economic development  
7 a MassWorks Infrastructure Program to issue public infrastructure grants to municipalities and  
8 other public instrumentalities for design, construction, building, land acquisition, rehabilitation,  
9 repair, and other improvements to publicly-owned infrastructure including, but not limited to,  
10 sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems,

11 telecommunications systems, transit improvements, and pedestrian and bicycle ways. The grant  
12 program shall also provide for commercial and residential transportation and infrastructure  
13 development, improvements and various capital investment projects under the Growth Districts  
14 Initiative established by the executive office of housing and economic development. The grants  
15 shall be used to assist municipalities to advance projects that support job creation and expansion,  
16 housing development and rehabilitation, community development, and small town transportation  
17 projects. Projects that support sustainable development in the commonwealth will be preferred.

18 (b) Eligible public infrastructure must be located on public land or on public leasehold, right-of-  
19 way or easement. Any project that uses grants provided by this chapter shall be procured by a  
20 municipality in accordance with chapter 30B, section 39M of chapter 30, chapter 149 and  
21 chapter 7.

22 (c) There shall be at least one open solicitation period each year to accept and consider new  
23 applications. Not less than 12 weeks before the annual open solicitation period, the executive  
24 office of housing and economic development shall release the criteria upon which the  
25 applications will be judged including, but not limited to, a minimum project readiness standard,  
26 overall spending targets by project type, and other preferences applying to that funding round.  
27 Projects of significant regional benefit that arise out of round may be made at the discretion of  
28 the secretary of housing and economic development.

29 (d) Any eligible city or town, acting by and through its municipal officers or by and through any  
30 agency designated by such municipal officers to act on their behalf may apply to the program for  
31 a grant in a specific amount to fund a specified project. Said grants may be made in addition to  
32 other forms of local, state, and federal assistance.

33 (e) Within the program, a portion of the grant funds shall be dedicated annually to assist towns  
34 with populations of 7,000 or less in undertaking projects to design, construct, reconstruct, widen,  
35 resurface, rehabilitate, and otherwise improve roads and bridges or for the construction of  
36 chemical storage facilities, that support economic or community development. Such towns shall  
37 be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to receive one grant  
38 every 3 fiscal years. Two or more towns eligible under this subsection may file a joint  
39 application for a single project serving those towns, but the total amount distributed to any one  
40 town shall not exceed the maximum amount allowed under this section. Receipt of a grant which  
41 is part of a joint application shall not preclude a town from receiving additional funds under a  
42 separate application. Receipt of a grant of funds dedicated annually to assist towns with  
43 population of 7,000 or less shall not preclude a town from receiving additional funds that support  
44 job creation and expansion, housing development and rehabilitation, and community  
45 development from the MassWorks Infrastructure Program.

46 (f) The secretary of housing and economic development may establish rules and regulations to  
47 govern the application and distribution of grants under this section. The rules and regulations  
48 may include provisions for joint applications by 2 or more eligible towns for a single project  
49 serving those towns. Any rules or regulations, or any amendment or repeal of any rules or  
50 regulations adopted under this section shall be filed with the clerks of the senate and house of  
51 representatives.

52 (g) The secretary of housing and economic development shall report annually to the clerks of the  
53 house of representatives and the senate, the chairs of the joint committee on transportation, the  
54 chairs of the joint committee on economic development and emerging technologies, the chairs of  
55 the senate and house committees on ways and means, and the chairs of the joint committees on

56 state administration and regulatory oversight on the activities and status of the MassWorks  
57 Infrastructure Program. The report shall include a list and description of all projects that  
58 received grant funds under the program, the amount of the grant awarded to the project, other  
59 sources of public funds that supported the project, a detailed analysis of the economic impact of  
60 each project including but not limited to the number of construction and full time equivalent jobs  
61 to be created, the number of housing units to be created, the private investment in the project,  
62 and the expected tax revenue generated from the project.

63 SECTION 3. Section 39O of chapter 30, as appearing in the 2010 Official Edition, is hereby  
64 amended by adding the following paragraph at the end thereof:

65 (c) Notwithstanding any general or special law to the contrary, contracts, awarded as a result of  
66 proposals or invitation for bids issued under sections 38A½ to 38O, inclusive, of chapter 7;  
67 section 11C of chapter 25A; section 39M of this chapter; and sections 44A to 44H, inclusive, of  
68 chapter 149, exceeding \$100,000 shall include a price adjustment clause for each of the  
69 following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each  
70 material shall be set by the awarding authority or agency and included in the bid documents at  
71 the time a project is advertised. The awarding authority or agency shall also identify in the bid  
72 documents the price index to be used for each material or supply. The adjustment clause shall  
73 provide for a contract adjustment to be made on a monthly basis when the monthly cost change  
74 exceeds +/- 5 per cent.

75 SECTION 4. Section 57A of chapter 121B, as appearing in the 2010 Official Edition, is hereby  
76 repealed.

77 SECTION 5. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby amended  
78 by adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the  
79 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General  
80 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
81 aforementioned item shall be transferred to the executive office of housing and economic  
82 development; provided further, that any unexpended balance as of September 1, 2011 from the  
83 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
84 2009 shall be transferred to item 7002-8005 within the executive office of housing and economic  
85 development; and provided further, that before October 1, 2011 the executive office of housing  
86 and economic development shall submit a report on the amount of authorization expended from  
87 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
88 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
89 provided further that said report shall be delivered to the house and senate committees on ways  
90 and means and to the house and senate committees on bonding, capital expenditures and state  
91 assets.

92 SECTION 6. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby  
93 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be  
94 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of  
95 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
96 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
97 2009 shall be transferred to item 7002-8010 within the executive office of housing and economic  
98 development; provided further, that any unexpended balance as of September 1, 2011 from the  
99 aforementioned item shall be transferred to the executive office of housing and economic

100 development; and provided further, that before October 1, 2011 the executive office of housing  
101 and economic development shall submit a report on the amount of authorization expended from  
102 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
103 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
104 provided further that said report shall be delivered to the house and senate committees on ways  
105 and means and to the house and senate committees on bonding, capital expenditures and state  
106 assets.

107 SECTION 7. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended by  
108 adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the  
109 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General  
110 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
111 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
112 2009 shall be transferred to item 7002-8015 within the executive office of housing and economic  
113 development; provided further, that any unexpended balance as of September 1, 2011 from the  
114 aforementioned item shall be transferred to the executive office of housing and economic  
115 development; and provided further, that before October 1, 2011 the executive office of housing  
116 and economic development shall submit a report on the amount of authorization expended from  
117 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
118 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
119 provided further that said report shall be delivered to the house and senate committees on ways  
120 and means and to the house and senate committees on bonding, capital expenditures and state  
121 assets.

122 SECTION 8. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by adding the  
123 following words:- ; provided, that after July 1, 2011 this item shall be used for the MassWorks  
124 Infrastructure Program, as established by section 63 of chapter 23A of the General Laws;  
125 provided further, that any uncommitted balance as of July 1, 2011 from the aforementioned item  
126 or its successor item established as a result of Chapter 25 of the Acts of 2009 shall be transferred  
127 to item 7002-8020 within executive office of housing and economic development; provided  
128 further, that any unexpended balance as of September 1, 2011 from the aforementioned item  
129 shall be transferred to the executive office of housing and economic development; and provided  
130 further, that before October 1, 2011 the executive office of housing and economic development  
131 shall submit a report on the amount of authorization expended from this item before July 1,  
132 2011; provided further, that said report shall detail awards expected to utilize this authorization  
133 after July, 1, 2011 and the schedule plan for completing awards; and provided further that said  
134 report shall be delivered to the house and senate committees on ways and means and to the house  
135 and senate committees on bonding, capital expenditures and state assets.

136 SECTION 9. Item 1100-8000 of section 2B of chapter 123 of the Acts of 2006 is hereby  
137 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be  
138 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of  
139 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
140 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
141 2009 shall be transferred to the executive office of housing and economic development; provided  
142 further, that any unexpended balance as of September 1, 2011 from the aforementioned item  
143 shall be transferred to item 7005-8025 within the executive office of housing and economic  
144 development; and provided further, that before October 1, 2011 the executive office of housing

145 and economic development shall submit a report on the amount of authorization expended from  
146 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
147 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
148 provided further that said report shall be delivered to the house and senate committees on ways  
149 and means and to the house and senate committees on bonding, capital expenditures and state  
150 assets.

151 SECTION 10. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008, is hereby  
152 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be  
153 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of  
154 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
155 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
156 2009 shall be transferred to item 7002-8030 within executive office of housing and economic  
157 development; provided further, that any unexpended balance as of September 1, 2011 from the  
158 aforementioned item shall be transferred to the executive office of housing and economic  
159 development; and provided further, that before October 1, 2011 the executive office of housing  
160 and economic development shall submit a report on the amount of authorization expended from  
161 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
162 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
163 provided further that said report shall be delivered to the house and senate committees on ways  
164 and means and to the house and senate committees on bonding, capital expenditures and state  
165 assets.

166 SECTION 11. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby  
167 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be



168 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of  
169 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
170 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
171 2009 shall be transferred to item 7005-8035 within executive office of housing and economic  
172 development; provided further, that any unexpended balance as of September 1, 2011 from the  
173 aforementioned item shall be transferred to the executive office of housing and economic  
174 development; and provided further, that before October 1, 2011 the executive office of housing  
175 and economic development shall submit a report on the amount of authorization expended from  
176 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
177 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
178 provided further that said report shall be delivered to the house and senate committees on ways  
179 and means and to the house and senate committees on bonding, capital expenditures and state  
180 assets.

181 SECTION 12. Item 6033-0887 of section 2B of chapter 303 of the acts of 2008, as amended by  
182 section 34 of chapter 26 of the acts of 2009 is hereby amended by adding the following words:- ;  
183 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure  
184 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that  
185 any uncommitted balance as of July 1, 2011 from the aforementioned item or its successor item  
186 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to the item 7002-  
187 8040 within executive office of housing and economic development; provided further, that any  
188 unexpended balance as of September 1, 2011 from the aforementioned item shall be transferred  
189 to the executive office of housing and economic development; and provided further, that before  
190 October 1, 2011 the executive office of housing and economic development shall submit a

191 report on the amount of authorization expended from this item before July 1, 2011; provided  
192 further, that said report shall detail awards expected to utilize this authorization after July, 1,  
193 2011 and the schedule plan for completing awards; and provided further that said report shall be  
194 delivered to the house and senate committees on ways and means and to the house and senate  
195 committees on bonding, capital expenditures and state assets.

196 SECTION 13. Item 6033-0877 of section 2B of chapter 303 of the acts of 2008, as amended by  
197 section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;  
198 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure  
199 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that  
200 any uncommitted balance as of July 1, 2011 from the aforementioned item shall be transferred to  
201 the executive office of housing and economic development; provided further, that any  
202 unexpended balance as of September 1, 2011 from the aforementioned item or its successor item  
203 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to item 7002-8045  
204 within the executive office of housing and economic development; and provided further, that  
205 before October 1, 2011 the executive office of housing and economic development shall submit  
206 a report on the amount of authorization expended from this item before July 1, 2011; provided  
207 further, that said report shall detail awards expected to utilize this authorization after July, 1,  
208 2011 and the schedule plan for completing awards; and provided further that said report shall be  
209 delivered to the house and senate committees on ways and means and to the house and senate  
210 committees on bonding, capital expenditures and state assets.

211 SECTION 14. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby  
212 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be  
213 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of

214 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
215 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
216 2009 shall be transferred to item 7002-8050 within the executive office of housing and economic  
217 development; provided further, that any unexpended balance as of September 1, 2011 from the  
218 aforementioned item shall be transferred to the executive office of housing and economic  
219 development; and provided further, that before October 1, 2011 the executive office of housing  
220 and economic development shall submit a report on the amount of authorization expended from  
221 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
222 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
223 provided further that said report shall be delivered to the house and senate committees on ways  
224 and means and to the house and senate committees on bonding, capital expenditures and state  
225 assets.

226 SECTION 15. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended by  
227 adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the  
228 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General  
229 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
230 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
231 2009 shall be transferred to item 7002-8055 within executive office of housing and economic  
232 development; provided further, that any unexpended balance as of September 1, 2011 from the  
233 aforementioned item shall be transferred to the executive office of housing and economic  
234 development; and provided further, that before October 1, 2011 the executive office of housing  
235 and economic development shall submit a report on the amount of authorization expended from  
236 this item before July 1, 2011; provided further, that said report shall detail awards expected to

237 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
238 provided further that said report shall be delivered to the house and senate committees on ways  
239 and means and to the house and senate committees on bonding, capital expenditures and state  
240 assets.

241 SECTION 16. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is hereby  
242 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be  
243 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of  
244 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the  
245 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of  
246 2009 shall be transferred to item 7002-8060 within the executive office of housing and economic  
247 development; provided further, that any unexpended balance as of September 1, 2011 from the  
248 aforementioned item shall be transferred to the executive office of housing and economic  
249 development; and provided further, that before October 1, 2011 the executive office of housing  
250 and economic development shall submit a report on the amount of authorization expended from  
251 this item before July 1, 2011; provided further, that said report shall detail awards expected to  
252 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and  
253 provided further that said report shall be delivered to the house and senate committees on ways  
254 and means and to the house and senate committees on bonding, capital expenditures and state  
255 assets.

256 SECTION 17. Item 6001-0817 of section 2B of chapter 240 of the acts of 2010, as amended by  
257 Section 1 of chapter 412 of the acts of 2010 is hereby amended by adding the following words:- ;  
258 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure  
259 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that

260 any uncommitted balance as of July 1, 2011 from the aforementioned item or its successor item  
261 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to item 7002-8060  
262 within the executive office of housing and economic development; provided further, that any  
263 unexpended balance as of September 1, 2011 from the aforementioned item shall be transferred  
264 to the executive office of housing and economic development; and provided further, that before  
265 October 1, 2011 the executive office of housing and economic development shall submit a  
266 report on the amount of authorization expended from this item before July 1, 2011; provided  
267 further, that said report shall detail awards expected to utilize this authorization after July, 1,  
268 2011 and the schedule plan for completing awards; and provided further that said report shall be  
269 delivered to the house and senate committees on ways and means and to the house and senate  
270 committees on bonding, capital expenditures and state assets.