

SENATE No. 804

The Commonwealth of Massachusetts

PRESENTED BY:

Eileen M. Donoghue

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 further defining fraud in public construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>

SENATE No. 804

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 804) of Eileen M. Donoghue, Keiko M. Orrall and Angelo L. D'Emilia for legislation to further define fraud in public construction contracts. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1478 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act further defining fraud in public 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 Subsection (a) of section 39M of chapter 30 of the General Laws, as appearing in the
2 2010 Official Edition, is hereby amended by striking out, in lines 21 to 23, the words “The
3 undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and
4 made without collusion or fraud with any other person” and inserting in place thereof the
5 following words:-

6 The undersigned certifies under penalties of perjury that this bid is in all respects bona
7 fide, fair and made without collusion with any other person or entity or fraud. As used in this
8 paragraph the word “fraud” shall mean a statement, act or omission relating to a material fact of
9 significant importance to the construction project at issue that (i) has been relied upon to
10 detriment of an awarding authority or its representatives (ii) is knowingly false or misleading or

11 is in reckless disregard of its truth or falsity and (iii) is intended to mislead and has been shown
12 by clear and convincing evidence to have done so.