SENATE DOCKET, NO. FILED ON: 1/12/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Mr. Baddour**

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*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 passage of the accompanying bill:

An Act Making Technical Corrections to Chapter 149A.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Mr. Baddour | First Essex |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Making Technical Corrections to Chapter 149A.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Section 1: Section 20 of Chapter 149A as inserted by 193 of the Acts of 2004 is hereby amended by inserting the following new subsections after subsection 20(c):

20(d). Chapter 30, 39N shall apply to all Design Build contracts unless the awarding authority provides notice in the Request for Qualifications (RFQ) that it shall not apply, in whole or in part, to the particular project. In addition to providing said notice in the RFQ, the awarding authority shall also provide sufficient details within the Request for Proposals (RFP) explaining the responsibility of the design build entity for actual subsurface or latent physical conditions and the extent to which Chapter 30, 39N does not apply to the particular project.

20(e). Sections 39(F), 39(O), 39(P) and 39(R) of chapter 30 of the general laws shall apply to design build projects procured.