

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 relative to the standard contractor evaluation forms submitted to the division of capital asset management and maintenance.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3189 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE STANDARD CONTRACTOR EVALUATION FORMS SUBMITTED TO THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE.

*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. Section 44D of Chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by striking out subsection (7) and inserting in place thereof the following subsection:—
3 (7) The division of capital asset management and maintenance shall develop a standard contractor evaluation form
4 that shall be completed by every public agency, upon completion of a building project under its control, and
5 submitted to said division for the contractor's qualification file. The standard contractor evaluation form shall be
6 completed by the public agency and submitted to said division prior to the issuance of any certificate permitting
7 occupancy of any said building. The public agency official, or the architect or engineer responsible for the oversight
8 of the building construction contract, shall certify that the information contained
9 on the contractor evaluation form represents, to the best of his knowledge, a true analysis of the contractor's
10 performance record on that contract. The public agency shall mail a copy of the contractor evaluation form to the
11 contractor and the contractor may within thirty days, submit a written response to said division disputing
12 any information contained within the evaluation form. No public employee or public employer as defined in section
13 two of chapter two hundred fifty-eight, and no architect or engineer shall be personally liable for any injury or loss
14 to any contractor as a result of the completion of a contractor evaluation form as required by this section unless the
15 individual completing such evaluation form acted in a grossly negligent or malicious manner.
16 In determining which is the most advantageous offer, the awarding authority shall consider the information
17 submitted by the offerors on the update statement.