

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

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 Certification of Funds for Construction Contracts.

PETITION OF:

NAME:

Paul Kujawski

DISTRICT/ADDRESS:

8th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CERTIFICATION OF FUNDS FOR 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. Section 31C of Chapter 44 of the General Laws, as appearing in the 2006
2 Official Edition, is here by amended by striking out said section and inserting in place thereof the
3 following new Section:

4
5 Section 31C. No contract for the construction, reconstruction, alteration, remodeling, repair or
6 demolition of any public building or public work by any public agency, as defined in G.L. c. 149 §
7 44A(1), costing more than two thousand dollars shall be deemed to have been made until the auditor
8 or accountant or other officer of the public agency having similar duties has certified thereon that an
9 appropriation in the amount of such contract is available therefore and that an officer or agent of the
10 public agency or awarding authority has been authorized to execute said contract and approve all
11 requisitions and change orders. No order to the contractor for a change in or addition to the work to
12 be performed under a contract subject to this section, whether in the form of a drawing, plan, detail
13 or any other written instruction, unless it is an order which the contractor is willing to perform
14 without any increase in the contract price, shall be deemed to have been given until the auditor or
15 accountant, or other officer of the public agency having similar duties, has certified thereon that an
16 appropriation in the amount of such order is available therefore; but such certificate shall not be
17 construed as an admission by the public agency of its liability to pay for such work. The construction
18 or the additional change order work shall not commence unless such certificate has been provided.
19 The certificate of the auditor or accountant or other officer of the public agency having similar
20 duties, that an appropriation in the amount of such contract or order is available shall bar any
21 defense by the public agency on the grounds of insufficient appropriation; and any law barring
22 payment in excess of appropriations shall not apply.

