

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Baddour**

*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:

Mr. Baddour

DISTRICT/ADDRESS:

First Essex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## 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:*

- 1 Section 1: Section 20 of Chapter 149A as inserted by 193 of the Acts of 2004 is hereby amended  
2 by inserting the following new subsections after subsection 20(c):
- 3 20(d). Chapter 30, 39N shall apply to all Design Build contracts unless the awarding authority  
4 provides notice in the Request for Qualifications (RFQ) that it shall not apply, in whole or in  
5 part, to the particular project. In addition to providing said notice in the RFQ, the awarding  
6 authority shall also provide sufficient details within the Request for Proposals (RFP) explaining  
7 the responsibility of the design build entity for actual subsurface or latent physical conditions and  
8 the extent to which Chapter 30, 39N does not apply to the particular project.
- 9 20(e). Sections 39(F), 39(O), 39(P) and 39(R) of chapter 30 of the general laws shall apply to  
10 design build projects procured.