HOUSE . . . . . No. 3320

[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for the municipal road and bridge maintenance needs of the Commonwealth.

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. To provide for a capital outlay program of maintenance and improvements to municipal road and bridge assets of the commonwealth, the sums set forth in sections 2 for the several purposes and subject to the conditions specified in this act are hereby made available, subject to the laws regulating the disbursement of public funds, which sums are in addition to any other amounts previously appropriated for these purposes.

SECTION 2.

DEPARTMENT OF TRANSPORTATION

6122-1190 For the construction and reconstruction of town and county ways as described in clause (b) of section 4 of chapter 6C of the General Laws; provided that a city or town shall comply with the procedures established by the division of highways within the department of transportation; provided further, that any such city or town may appropriate for these projects amounts not in excess of the amount provided to the city or town under this item preliminary

13 notice of which shall be provided by the department to the city or town no later than April 1 of
14 each year; provided further, that the commonwealth shall reimburse any such city or town under
15 this item within 30 days after receipt by the department of a request for reimbursement from the
16 city or town, which request shall include certification by the city or town that actual expenses
17 have been incurred on projects eligible for reimbursement under this item, and that the work has
18 been completed to the satisfaction of the city or town according to the specifications of the
19 project and in compliance with applicable laws and procedures established by the department;;
20 $250,000,000

21 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state treasurer
22 shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to
23 be specified by the governor from time to time but not exceeding, in the aggregate,
24 $250,000,000. All these bonds issued by the commonwealth shall be designated on their face,
25 Maintenance and Improvement of Municipal Roads Act of 2011, and shall be issued for a
26 maximum term of years, not exceeding 30 years, as the governor may recommend to the general
27 court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds
28 shall be payable not later than June 30, 2046. All interest and payments on account of principal
29 on these obligations shall be payable from the General Fund. Bonds and interest thereon issued
30 under this section shall, notwithstanding any other provisions of this act, be general obligations
31 of the commonwealth.

32 SECTION 4. Notwithstanding any general or special law to the contrary, all construction
33 contracts funded in whole or in part by the funds authorized by this act shall include a price
34 adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and
35 steel. A base price for each material shall be set by the awarding authority or agency and

36 included in the bid documents at the time a project is advertised. The awarding authority or

37 agency shall also identify in the bid documents the price index to be used for each material or

38 supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly

39 basis when the monthly cost change exceeds +/- 5 per cent.