HOUSE DOCKET, NO. 872 FILED ON: 1/19/2011

HOUSE . . . . . No. 853

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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:

An Act relative to ensuring public entities are not injured by long term contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	*13th Suffolk*

HOUSE DOCKET, NO. 872 FILED ON: 1/19/2011

HOUSE . . . . . No. 853

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 853) of Martin J. Walsh for legislation to further regulate the length of term of public contracts. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3054* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to ensuring public entities are not injured by long term contracts.

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 12 of chapter 30B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the first paragraph and replacing it with the following new paragraph:-

"(a) Unless otherwise provided by law and subject to paragraph (b), a governmental body may not enter into a contract for a period of time exceeding five consecutive years, including renewals. The procurement officer shall not enter into a contract unless funds are available for the first fiscal year at the time of contracting. Payment and performance obligations for succeeding fiscal years shall depend on the availability and appropriation of funds. If an awarding authority determines it is in its best interests to have a contract for a period of longer than five years, including renewals, the awarding authority shall seek the written approval of the state auditor before the issuance of any such request for proposals.