

HOUSE No. 3189

By Mr. Fagan of Taunton, petition of James H. Fagan relative to the standard contractor evaluation forms submitted to the Division of Capital Asset Management and Maintenance. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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 44D of Chapter 149 of the General Laws, as appearing
2 in the 2004 Official Edition, is hereby amended by striking out
3 subsection (7) and inserting in place thereof the following subsec-
4 tion:—
5 (7) The division of capital asset management and maintenance
6 shall develop a standard contractor evaluation form that shall be
7 completed by every public agency, upon completion of a building
8 project under its control, and submitted to said division for the
9 contractor's qualification file. The standard contractor evaluation
10 form shall be completed by the public agency and submitted to
11 said division prior to the issuance of any certificate permitting
12 occupancy of any said building. The public agency official, or the
13 architect or engineer responsible for the oversight of the building
14 construction contract, shall certify that the information contained
15 on the contractor evaluation form represents, to the best of his
16 knowledge, a true analysis of the contractor's performance record
17 on that contract. The public agency shall mail a copy of the con-
18 tractor evaluation form to the contractor and the contractor may
19 within thirty days, submit a written response to said division dis-
20 puting any information contained within the evaluation form. No
21 public employee or public employer as defined in section two of

22 chapter two hundred fifty-eight, and no architect or engineer shall
23 be personally liable for any injury or loss to any contractor as a
24 result of the completion of a contractor evaluation form as
25 required by this section unless the individual completing such
26 evaluation form acted in a grossly negligent or malicious manner.

27 In determining which is the most advantageous offer, the
28 awarding authority shall consider the information submitted by
29 the offerors on the update statement.