

NEW MGL CHAPTER 7C: CAPITAL ASSET MANAGEMENT AND MAINTENANCE

Effective: January 1, 2013

Pursuant to Chapter 165 of the Acts of 2012, effective January 1, 2013, certain sections of MGL. Chapters 7 and 29 have been moved (and in some cases amended) into a new Chapter of the General Laws, Chapter 7C. The following chart is provided as a convenience and without any representation as to its completeness or accuracy. Users should review the official text of MGL. Chapter 7C.

Existing MGL Provision: Chapter & Section	New MGL Ch. 7C Provision	SUBJECT	Existing MGL Provision: Chapter & Section	New MGL Ch. 7C Provision	SUBJECT	Existing MGL Provision: Chapter & Section	New MGL Ch. 7C Provision	SUBJECT
7 §. 38A	43	Skeletal remains; preservation; excavation; analysis	7 §. 40D	9	Comprehensive progress reports; capital repair and maintenance projects; reports; maintenance manuals	7 §. 42k	23	Federal funds or assistance
7 §. 38A 1/2	44	Design services; purposes; definitions	7 §. 40E	32	Acquisition, control and disposition of real property; delegation to state agencies	7 §. 43A	24	Office of facilities management; director; staff; building inventory
7 §. 38B	45	Designer selection board; members; expenses; office	7 §. 40F	33	Acquisition, control and disposition of real property; delegation to administrator; surplus property	7 §. 43B	25	Control and supervision of projects
7 §. 38C	46	Jurisdiction of board	7 §. 40F 1/2	34	Sale, lease or other disposition of real property; surplus property	7 §. 43C	26	Maintenance and repair standards and guidelines
7 §. 38D	47	Designer services contracts; public advertisement	7 §. 40G	35	Rental recommendations and agreements; quarterly reports	7 §. 43D	27	Capital budget request for building projects
7 §. 38E	48	Project applications; written statements	7 §. 40H	36	Advertisements for real property; invitations to bid	7 §. 43E	28	Powers and duties of director of facilities management
7 §. 38F	49	Selection of finalists and semifinalists; classes of projects	7 §. 40I	37	Notice of proposed actions concerning real property to governmental bodies in areas affected	7 §. 43F	30	Energy evaluation and audits; energy conservation standards, guidelines and projects
7 §. 38G	50	Appointment of designer; fees	7 §. 40J	38	Disclosure statements of persons having beneficial interest in real property	7 §. 43F1/2	31	Evaluation of potential for increasing energy efficiency
7 §. 38H	51	Consultants; truth-in-negotiations certificate; special conditions; contracts; insurance; penalties for false information	7 §. 40K	39	Comprehensive real property inventory; central depository for real property documents	7 §. 43G	No provision	Severability
7 §. 38I	52	Continued or extended services	7 §. 40L	40	Rules and regulations for acquisition, utilization and disposition of real property	7 §. 43H	42	Reports on leases and rental agreements signed by state departments, etc.
7 §. 38J	53	Emergency situations	7 §. 40M	10	Advisory council on capital planning and operations	7 §. 43I	41	Occupation or maintenance of land, buildings, facilities or property by state departments
7 §. 38K	54	Contracts exceeding \$100,000; selection procedure; compliance; exceptions	7 §. 40N	6	Minority and women owned businesses; affirmative marketing program; capital facility projects	29 §. 2F	62	Contingency, lump-sum or reserve accounts for capital planning and operations
7 §. 38L	55	Records; inspection	7 §. 41A	11	Office of programming; director	29 §. 2G	63	Capital facility planning fund
7 §. 38M	56	Annual report	7 §. 41B	12	Director of programming; staff; powers and duties	29 §. 7A	64	Long range capital facilities development plans; policy statements
7 §. 38N	57	Procedures and regulations	7 §. 41C	7	Commissioner of capital asset management and maintenance; director of court facilities	29 §. 7B	65	Requirements for long range capital facilities development plans
7 §. 38O	No provision	Severability	7 §. 42A	13	Office of project management; director	29 §. 7C	66	Annual capital facility budgets
7 §. 38P	58	Evaluation and selection of architectural, engineering and related professional services firms for public works projects; prequalification; publication of notice on official agency website or professional services bulletin	7 §. 42B	14	Director of project management; duties and responsibilities	29 §. 7D	67	Submission of copies of plans and requests to agencies for review; reports; hearings
7 §. 39A	1	Definitions	7 §. 42C	15	Plans and specifications for building projects	29 §. 7E	68	Study and review of plans and requests by commissioner; recommendations
7 §. 39B	2	Commissioner of capital asset management and maintenance; powers and duties	7 §. 42D	16	Project managers; appointment; duties	29 §. 7F	69	Design and construction contingency reserve account
7 §. 39C	3	Capital facility projects; coordination; clearinghouse	7 §. 42E	17	Definitions applicable to Secs. 42E through 42I	29 §. 7G	70	Emergency repair reserve account
7 §. 39D	29	Construction and renovation of energy efficient facilities; life-cycle cost analysis; joint procurement of energy management services; compliance report; annual report	7 §. 42F	18	Requests for change orders	29 §. 7I [2 nd & 3 rd paragraphs]	71	Requests and recommendations for appropriations or authorizations for expenditures; review of proposed legislation providing for capital facility projects
7 §. 40A	4	Jurisdiction of department over capital facility projects	7 §. 42G	19	Contract price adjustments	29 §. 7J	72	Reports by commissioner of capital planning and operations
7 §. 40B	5	Control and supervision of building projects	7 §. 42H	20	Cost and pricing data for contract modifications	29 §. 7K	59	Study or program as prerequisite for appropriation or authorization
7 §. 40C	8	Administrative systems, units; establishment	7 §. 42I	21	General principles for equitable adjustments in contract prices	29 §. 26A	60	Certification of design work; contracts for design services
			7 §. 42J	22	Resident engineers; assignment to building projects; cost estimators	29 §. 26B	61	Certification of construction work; contracts for construction