Message from His Excellency the Governor returning pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth with his disapproval of the engrossed Bill Authorizing Governmental Bodies to Enter into Contracts for the Inspection, Maintenance, Repair or Modification of Water Storage Facilities, Senate, No. 2449.

To the Honorable Senate and House of Representatives:

Pursuant to Part the Second, Chapter 1, Section 1, Article II of the Constitution of the Commonwealth of Massachusetts, I am returning unsigned Senate Bill No. 2449, “An Act Authorizing Governmental Bodies to Enter into Contracts for the Inspection, Maintenance, Repair or Modification of Water Storage Facilities.”

This legislation alters the procurement procedures utilized by cities, towns, water and wastewater districts to enter into contracts for the inspection, maintenance, repair and modification of water storage facilities, and permits said contracts to be for a 20-year term (with the possibility of a 10 year renewal).

The procurements contemplated by this Act are subject to the requirements of G.L. c. 30, § 39M, G.L. c. 30B, § 5 and G.L. c. 149A. These statutes, which apply to all public building and public works projects, build in safeguards to protect the public interest, such as the requirement that projects be established and advertised and a competitive award made to the lowest qualified bidder. This Act strips away many of these safeguards.

In addition to altering the procurement procedures for water storage facility projects, the bill allows towns to enter into 20-year contracts with the possibility of a 10-year renewal. Currently, towns may enter into multi-year maintenance contracts but those contracts are capped at 10 years with Town Meeting approval.
I am concerned that the procurement methods applied by the Act are inappropriate for public works projects and will jeopardize the interests of municipal taxpayers. I also am concerned about the significant municipal debt obligations that may be created by the execution of exceedingly long-term and cost indeterminate contracts, especially in light of the fact that the bill does not build in safeguards to protect municipalities and taxpayers from the consequences of the significant debt liability that may be created under the Act.

For these reasons, I return Senate Bill No. 2449 unsigned.

Respectfully submitted,

DEVAL L. PATRICK,
Governor.