

HOUSE No. 4455

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

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LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
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January 4, 2007.

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act Providing for Capital Facility Repairs and Improvements for the Commonwealth”.

The citizens of the Commonwealth need and deserve a well-functioning and responsive government in order to stimulate economic growth in our communities, preserve public safety, provide basic government services, ensure the effective administration of justice and address the needs of the most vulnerable members of our society. In order to effectively perform these essential government functions, the state needs to make targeted investments to support local economic growth, and it needs well-maintained buildings and facilities, modern and secure information technology systems and state-of-the-art equipment.

In order to fund these planned capital investments over the next five years, the Governor is filing a \$2.5 billion General Government Capital Needs Bond Bill.

Specifically, this bill includes:

- \$500 million for improvements to our court facilities.
- \$450 million to modernize critical state information technology systems.
- \$400 million for the Division of Capital Asset Management and Maintenance for capital repairs, on-going maintenance

and unforeseen emergency capital needs at state office buildings and facilities.

- \$250 million for the acquisition of equipment that is currently funded from the annual operating budget.
- \$105 million for various Executive Office of Public Safety equipment programs.
- \$100 million for the Board of Library Commissioners to construct 31 new libraries across the state.

Also included is a 10-year, \$450 million authorization for improvements to state and county correctional facilities. These investments will be guided by a comprehensive 10-year master plan currently being developed for correctional facilities. The plan is scheduled for completion by December 2008.

Most importantly, the Commonwealth is able to afford this \$2.5 billion in investments to the Commonwealth's capital facilities, based on the Administration's five-year capital investment plan and the related debt affordability analysis published last August which has been positively reviewed by several credit rating agencies.

In light of the urgent need to provide improvements in the transportation infrastructure in the Commonwealth, I urge prompt action to enact this bill.

Respectfully submitted,



DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR CAPITAL FACILITY REPAIRS AND IMPROVEMENTS FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 program of capital facility repairs and improvements to protect and improve the capital facilities of the commonwealth and for a program of capital asset acquisitions for general government operations, the sums set forth in sections 2, 3, 4 and 5 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.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE *Office of the Secretary*

1100-7400 For the recapitalization of the Massachusetts Community Development Finance Corporation; provided, that the corporation shall prepare a 5-year strategic operations plan which shall include, but not be limited to, (i) identification of the financial resources required to meet the mission and on-going lending operations of the corporation, (ii) a plan of action for reducing or eliminating the need for public subsidies to meet the

mission of the corporation, and (iii) identification of the corporate relationship to and purpose of any affiliated or subsidiary corporations, including a description of how the affiliation or subsidiary relationship is consistent with the objective of fulfilling the mission of the corporation; and provided further, that the corporation shall submit the strategic operations plan to the executive office for administration and finance and to the house and senate committees on ways and means not later than December 31, 2008.....\$10,000,000

1100-9200 For costs associated with the purchase and procurement of equipment for general government operations.....\$250,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

8000-0700 For equipment for the department of correction and other agencies within the executive office of public safety and security, including but not limited to medical equipment, security equipment and communications equipment\$25,000,000

8000-2020 For the design, construction and implementation of the department of state police mobile data network and an automated motor vehicle citation system, including the use of “MDT” devices.....\$15,000,000

8100-2025 For the replacement of state police cruisers; provided, that the state police shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year over a 5-year period; provided further, that the department shall report annually to the house and senate committees on ways and means the number of vehicles and condition of each vehicle replaced

under this plan; provided further, that the report shall also include, but not be limited to, the total amount spent in each fiscal year; and provided further, that the first report shall be filed by January 1, 2009.....\$40,000,000

8100-9000 For the purchase of state police helicopters; provided, that the state police shall trade in one helicopter from the current inventory of helicopters each time a replacement medium lift helicopter is purchased, and the value of the trade in shall be used to reduce the negotiated purchase price of the replacement helicopter.....\$25,000,000

SECTION 3.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Information and Technology Division

1790-3000 For costs associated with planning and studies, the preparation of plans and specifications, purchase, and procurement of information technology related equipment and related projects; provided, that any federal reimbursement received by a state agency in connection with projects funded from this item may be retained by the state agency and expended for the purposes of the project, without further appropriation, in addition to the amounts appropriated in this item; and provided further, that any state agency receiving federal reimbursements for a project funded from this item shall file a quarterly report with the executive office for administration and finance, the house and senate committees on ways and means, and the joint committee on bonding, capital expenditures, and state assets that details, by project, an annual estimate of anticipated federal reimbursement to be received on behalf of and expended for

the project, as well as year-to-date actual federal reimbursement received and year-to-date actual expenditures of the reimbursement, by project\$450,000,000

SECTION 4.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of the Secretary

1100-8020 For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Program related to site remediation, preparation and ancillary infrastructure improvement projects; provided, that the local executive government body and a for-profit entity involved in the project shall jointly submit a request for funding to the secretary of housing and economic development which shall include sufficient documentation, including but not limited to a project plan with specific goals and objectives that fully documents the proposed project and either (i) demonstrates that the businesses associated with the project will generate substantial sales from outside the commonwealth and will result in the creation of a net increase of at least 100 new permanent full-time jobs in Massachusetts within 24 months after receipt of a grant and commits that the jobs are to be maintained for at least a 5-year period, or (ii) documents an economic benefit that the secretary determines is sufficiently exceptional; and provided further, that annually on or before December 31, the secretary shall issue a written report to the clerk of the house of representatives and the clerk of the senate, which shall include detailed descriptions of any infrastructure improvement projects funded under this

program and all funds expended for this purpose.....\$75,000,000

Division of Capital Asset Management and Maintenance

1102-2008 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition, disposition and remediation of state-owned and former county facilities and grounds; and for costs associated with repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system (CAMIS) administered by the division of capital asset management and maintenance; provided further, that, where appropriate, the commissioner of the division may transfer funds in accordance with the delegation of project control and supervision process under section 40B of chapter 7 of the General Laws; provided further, that funds so transferred shall be distributed based on the severity of the need that the repair will address and other criteria developed by the division of capital asset management and maintenance in consultation with the secretary of administration and finance; provided further, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by

division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....\$400,000,000

JUDICIARY
Trial Court

1102-5600

For capital needs at court facilities, including, but not limited to, expenditures for the planning, design, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, the preparation of plans and specifications, the construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and improvements, including furnishings and equipment and temporary relocation costs, as needed for priority projects identified by the division of capital asset management and maintenance and the administrative office of the trial court; for building repairs needed to correct unsafe and overcrowded conditions; for the remediation of life safety code violations; for the remediation of access code and civil rights violations; for the remediation of environmental hazards; and for security improvements and other needed repairs at court facilities owned by the commonwealth or by political subdivisions of the commonwealth; provided, that expenditures made from this item shall include, but not be limited to, expenditures for the projects identified through the court capital repair needs assessment database as developed and

maintained by the division of capital asset management and maintenance and reviewed and approved by the administrative office of the trial court; provided further, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided further, that not less than \$125,000,000 shall pay for costs of the reconstruction or replacement of court facilities located in the city of Lowell; provided further, that not less than \$40,000,000 shall pay for costs of the renovation of the superior court building located in the city of Taunton; provided further, that not less than \$60,000,000 shall pay for costs of the renovation of the probate and family court building located in the city of Salem; provided further, that not less than \$50,000,000 shall pay for costs of the renovation of the court facility located in the town of Greenfield; and provided further that not less than \$750,000 shall pay for costs of the completion of the master plan for Norfolk county, including for the reconstruction or replacement of court facilities located in the town of Dedham.....\$500,000,000

Information Technology Division

1790-2500

For costs associated with planning and studies, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent

domain under chapter 79 of the General Laws; and for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition for a data center that will be located in western Massachusetts in either Hampden, Hampshire, Berkshire or Franklin county; provided, that costs payable from this item shall include, but not be limited to, the costs of engineering and other services essential to this project rendered by division of capital asset management and maintenance employees or consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of this project.....\$ 78,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

4000-2020 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws; for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition for health and human services facilities, all as the commissioner of capital asset management and maintenance, in consultation with the secretary of health and human services and the appropriate commissioners of the departments within the executive office of health and human services, shall consider appropriate; provided, that all juvenile detention facility projects approved for design and construction by the division of capital asset management and

maintenance are consistent in priority and need with a master plan to be developed by the division of capital asset management and maintenance in consultation with the department of youth services; provided further, that projects that are not included in the master plan may be approved for funding by the division of capital asset management and maintenance if the commissioner of capital asset management and maintenance determines that circumstances following the development of the master plan resulted in a compelling need for funding the projects; provided further, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....\$80,000,000

Board of Library Commissioners

7000-9090 For a program of grants to cities and towns for approved public library projects under sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that not more than \$500,000 of the amount authorized in this item may be expended by the board of library commissioners for the administrative costs directly attributable to the projects funded in this item, including the costs of temporary personnel; provided further, that no permanent personnel shall be compensated from this item; and provided further, that the board shall

file an annual spending plan with the fiscal affairs division and the house and senate committees on ways and means which details, by subsidiary, all temporary personnel and administrative costs charged to this item.....\$100,000,000

EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

Office of the Secretary

8000-3500 For a grant program to cities and towns for the purpose of providing funding for the repair, renovation or construction of municipal public safety facilities, under rules adopted by the executive office of public safety and security based upon the following criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of the municipality’s proposed budget and financing of the repair, renovation, or construction project; the municipality’s need for the project; the benefits to the municipality that will result from the project; and an overall evaluation of the merits of the grant proposal; provided, that the executive office of public safety and security may expend not more than 1 per cent of the total amount available for the cost of administering this program.....\$20,000,000

Department of Fire Services

8000-4900 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction,

renovations, improvements, asset management and demolition for a fire training facility in the city of Springfield, all as the commissioner of capital asset management and maintenance, in consultation with the fire marshal of the commonwealth, shall consider appropriate; provided, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to this project rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of this project.....\$10,000,000

Office of the Chief Medical Examiner

8500-1000 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition, including furnishings and equipment, for regional facilities for the office of the chief medical examiner, all as the commissioner of capital asset management and maintenance, in consultation with the chief medical examiner, shall consider appropriate; provided, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management

and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....\$ 15,000,000

Jails and Correctional Facilities

8900-7500 For costs associated with planning and studies, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition and other capital improvements at department of correction facilities for the purpose of preventing prisoner suicides, including the capital improvements as detailed in Appendix A of the Hayes Report, a summary of observations, findings and recommendations of Lindsay Hayes, Project Director of the National Center on Institutions and Alternatives; provided, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects.....\$15,000,000

SECTION 5.

EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

Jails and Correctional Facilities

8900-8500 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by

purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws; and for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition for state and county jails and correctional facilities; provided, that all projects approved for funding under this item by the division of capital asset management and maintenance are consistent in priority and need with a corrections master plan to be developed by the division of capital asset management and maintenance in consultation with the department of correction and the Massachusetts Sheriffs Association, and approved by the secretary of public safety and security and the secretary of administration and finance, including but not limited to the following projects as provided for therein: a pre-release center and regional lock up facility in Barnstable county, capital improvements to facilities in Berkshire and Bristol counties, the relocation of the “E911” communication center so-called and improvements to the facilities in Dukes county, additional capacity in Essex county, additional capacity at the Western Massachusetts Regional Women’s Correctional Center in Hampden county, the replacement of modular facilities in Hampshire county, the construction of additional capacity in Middlesex county, the construction of additional capacity, a storage warehouse, and parking facility improvements in Norfolk county, capital improvements to facilities in Plymouth county, capital improvements to facilities in Suffolk county and the construction of additional capacity in Worcester

County; provided further, that projects that are not included in the master plan may be approved for funding by the division of capital asset management and maintenance if the commissioner of capital asset management and maintenance determines that circumstances following the development of the master plan resulted in a compelling need for funding the projects; provided further, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects\$450,000,000

SECTION 6. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$365,000,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Improvements Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2023. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 7. To meet the expenditures necessary in carrying out section 3, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$450,000,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Improvements Loan Act of 2008, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2033. All interest and payments

on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 8. To meet the expenditures necessary in carrying out section 4, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$1,293,000,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 9. To meet the expenditures necessary in carrying out section 5, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$450,000,000. All these bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2008, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2048. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 10. Section 38C of chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “forty-nine”, in line 70, the following words:- ; or (iv) the contract is for demolition of buildings.

SECTION 11. Section 11C of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word “ten” and inserting in place thereof the following number: - 20.

SECTION 12. Section 11C of chapter 25A, as so appearing, is hereby further amended by striking out the third sentence of subsection (a).

SECTION 13. Section 11C of chapter 25A, as so appearing, is hereby further amended by striking out, in lines 25 to 26, the words “two hundred thousand dollars” and inserting in place thereof the following figure:- \$1,000,000.

SECTION 14. Chapter 25A of the General Laws, as so appearing, is hereby further amended by inserting after section 11I the following section:-

Section 11J Contracts for Small Energy Conservation Projects

(a) Subject to this section, a public agency or a state agency as defined in section 11C may contract directly and without further solicitation with electric utilities or their subcontractors providing ratepayer-funded energy efficiency programs under section 19 of chapter 25 and section 11G of this chapter. The contract shall authorize the vendor to undertake energy conservation projects as defined by section 3 as part of the ratepayer-funded energy efficiency program and having a total project cost that is less than \$100,000.

(b) For a total project cost that is less than \$100,000, a public agency or a state agency may similarly contract directly with a gas utility or its subcontractor authorized to undertake energy efficiency programs for energy conservation projects already initiated by gas utilities as part of its energy efficiency programs funded through settlements with the department of public utilities.

(c) For purposes of this section, "total project cost" shall mean all construction costs of an energy conservation project, whether borne by the utility or agency, including, without limitation, the costs associated with equipment purchase and installation of the equipment.

SECTION 15. Chapter 29 of the General Laws is hereby amended by inserting after section 2XXX the following section:-`

Section 2YYY. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Courts Capital Project Fund, in this section called the fund. The fund shall consist of the portion of net cash proceeds of the commonwealth's disposition of surplus real property deposited in the fund under law and all other monies credited or transferred to the fund from any other fund or source. The comptroller shall disburse amounts in the fund at the direction of the secretary of administration and finance, without further appropriation, for the purpose of paying costs of, or paying down any portion of the debt incurred to pay costs of, the acquisition, temporary leasing or the construction of any replacement court facilities.

SECTION 16. Section 11 of chapter 27 of the acts of 2007 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The state treasurer may, upon request of the governor, issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of paying, at maturity or upon acceleration or redemption, any bonds then outstanding and issued by an entity other than the commonwealth under chapter 425 of the acts of 1991, section 39I

of chapter 190 of the acts of 1982, section 7 of chapter 16 of the acts of 1999 or section 6 of chapter 53 of the acts of 1999, or issued by the city of Chelsea under chapter 40D of the General Laws to finance costs of the Massachusetts information technology center in that city, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity, acceleration or redemption of these bonds. The state treasurer shall not issue any refunding bonds unless he finds that the present value, discounted at the rate that he considers appropriate, of the principal and interest payments due on the refunding bonds is less than the present value, discounted at that rate, of the principal and interest payments to be paid, from the proceeds of these refunding bonds and investment earnings thereon, on the bonds to be refunded. These refunding bonds may be issued at such time before the maturity, acceleration or redemption of the bonds to be refunded thereby that the state treasurer, with the approval of the governor, considers advisable. The issuance of these bonds, the security therefor, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the commonwealth with respect thereto shall be governed by the provisions of chapter 29 of the General Laws which relate to the issuance of bonds by the commonwealth, insofar as these provisions may be appropriate therefor. In connection with any issuance of refunding bonds under this section, the secretary of administration and finance and other officers of the commonwealth who are parties to the contract for financial assistance, lease or other agreements related to the bonds being refunded and the state treasurer may enter into amendments to the contract, lease or other agreements and any other documents that they consider necessary or desirable to effectuate the issuance of the bonds. Without limiting the generality of this section, the provisions of section 49 of chapter 29 of the General Laws applicable to sinking funds established with trustees shall apply to the deposit of refunding bond proceeds with a trustee, except that these proceeds shall be held for the benefit of the holders of the bonds to be refunded thereby.

SECTION 17. (a) In order to facilitate the reuse of the properties listed in subsection (b) of this section, the commissioner of capital asset management and maintenance may (1) notwithstanding section 40F of chapter 7 of the General Laws or any other general or special law to the contrary, transfer the use of, and the responsibility for maintenance of any facility or real property listed in subsection (b) to one or more state agencies; (2) subject to sections 40E to 40F^{1/2}, inclusive, and 40I to 40J, inclusive, of chapter 7 of the General Laws, sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of any facility or real property listed in subsection (b) to a municipality for a direct public use as defined in section 40F; or (3) subject to sections 40E to 40F^{1/2}, inclusive, and 40H to 40J, inclusive, of chapter 7 of the General Laws, and using appropriate competitive processes and procedures, sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of any facility or real property listed in subsection (b).

(b) This section shall apply to the following properties:

(i) any court facilities vacated and determined to be surplus by the commissioner of capital asset management and maintenance and the chief justice for administration and management as a result of or in anticipation of the construction of new court facilities or the consolidation of court facilities in the city of Lowell, but the transfer, sale, lease or other disposition shall be in accordance with chapter 290 of the acts of 2004 as amended by sections 59 through 70 of chapter 122 of the acts of 2006;

(ii) any court facilities vacated and determined to be surplus by the commissioner of capital asset management and maintenance and the chief justice for administration and management as a result of or in anticipation of the construction of new court facilities or the consolidation of court facilities in the city of Cambridge;

(iii) any court facilities vacated and determined to be surplus by the commissioner of capital asset management and maintenance and the chief justice for administration and management as a result of or in anticipation of the construction of new court facilities or the consolidation of court facilities in the city of Worcester; and

(iv) any court facilities vacated and determined to be surplus by the commissioner of capital asset management and maintenance and the chief justice for administration and management as a result of or in anticipation of the construction of new court facilities or the consolidation of court facilities in the city of Salem.

The exact boundaries of each parcel to be transferred, sold, leased or otherwise disposed of shall be determined by the commissioner of capital asset management and maintenance after completion of a survey.

(c) The grantee or lessee of any surplus real property shall be responsible for all costs including, but not limited to, appraisals, surveys, plans, recordings and any other expenses relating to the transfer, as shall be considered necessary by the commissioner.

(d) The net cash proceeds of the sale, lease or other disposition of any court facility under paragraphs (i) to (iv) of subsection (b) shall be deposited into the Courts Capital Project Fund established in section 2YYY of chapter 29 of the General Laws, as inserted by section 15 of this act. For purposes of this paragraph, "net cash proceeds" shall mean all payments made to the commonwealth as and when paid, less any transaction-related expenses and expenses incurred in connection with the custody of the property by the division, including, but not limited to, costs associated with the disposal or pre-development of the property from which the funds originated including, but not limited to, appraisals, surveys, site evaluation, site preparation, plans, recordings, smart growth review and feasibility and other marketing studies and

any other expenses relating to the disposal or project management services in connection with any reuse or redevelopment of the property.

SECTION 18. (a) To carry out the purposes of items 1102-2008, 1102-5600, 4000-2020, 8000-4900 and 8500-1000 of section 4 and 8900-8500 of section 5, the commissioner of capital asset management and maintenance may, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, but subject to this subsection, acquire, by purchase, lease or leaseback for a term, including any extensions, not to exceed 50 years, gift or other transfer, or by eminent domain under chapter 79 of the General Laws, any and all interests in land and buildings considered necessary by the commissioner to carry out the purposes of this act, including but not limited to easements for drainage, access, utilities and environmental mitigation, and may grant and retain such easements and interests as considered necessary by the commissioner to carry out the purposes of this act.

(b) The commissioner shall solicit proposals for any facility acquisition through requests for proposals. Each request for proposals shall, at a minimum, include (1) a description of the facility or facilities for which proposals are sought, (2) a statement as to whether the commissioner seeks to purchase or lease the facilities, (3) a statement as to whether the commissioner seeks to acquire improved or unimproved land, buildings and interests therein, (4) a statement as to whether the selected proposer shall be required to undertake the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a new or existing facility, (5) the proposed contractual terms and conditions, some of which may be considered mandatory or non-negotiable, (6) the evaluation criteria that will be utilized by the commissioner, (7) the time and date for receipt of proposals, (8) the address of the office to which proposals shall be delivered, and (8) such other matters as may be determined by the commissioner. Public notice of each request for proposals shall be published at least 3 weeks before the time specified in the notice for the receipt of proposals in the central register published by the state secretary. At the opening of the proposals, the commissioner shall prepare a register of proposals which shall include the name of each proposer. The register of proposals shall be open for public inspection. Notwithstanding any general or special law to the contrary, until the completion of the selection process, the contents of the proposals and the selection process shall not be disclosed to competing proposers and shall not be public documents.

(c) Any design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a facility undertaken under this section shall be subject to chapters 7, 30, and 149 of the General Laws and any other general or special law or regulation governing the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of real or personal property by the commonwealth.

SECTION 19. The information technology division, in consultation with the operational services division, shall require that the procurement of services and equipment funded under item 1790-3000 of section 3 shall comply with the procurement policies filed by the office of the comptroller under section 13 of chapter 27 of the acts of 2007 to ensure an open and fair competitive process. Executive agencies that have or seek funding under item 1790-3000 must submit to the information technology division, at intervals to be determined by it, documentation and deliverables necessary to enable it to oversee, ascertain and evaluate project management, status, progress, performance and expenditures. The information technology division shall specify this documentation and deliverables, which may include, without limitation, project management plans and methodology, technology designs and specifications, accountings of amounts expended or to be expended for all goods and services including, without limitation, hardware, software, consultant services and personnel, an assessment of whether the project is within budget and on schedule for completion, an explanation of any deviations in completion schedules and funding needs from those that were originally established for the projects, project plans, and other document deliverables. The information technology division may make funding or continued funding for executive department agency projects contingent upon its approval of these documentation and deliverables.

SECTION 20. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond funded authorizations in the following accounts shall cease to be available for expenditure: 1102-8819, 5011-8841, 5011-8842, 8200-8842, 9300-3905, 1100-9101, 1102-7886, 1102-7887, 1102-7888, 1102-8880, 1102-8883, 1102-8888, 4238-8871, 5095-8870, 5095-8872, 9300-3909, 0330-8890, 0330-8891, 1102-6896, 1102-7891, 1102-7893, 1102-7894, 1102-7896, 1102-7897, 1102-8869, 1102-8890, 1102-8894, 4180-7890, 4180-7891, 4536-7890, 4537-7891, 4010-8831, 1599-8000, 4000-8000, 4000-8100, 5500-8300, 5500-8400, 5500-8500, 5500-8893, 5500-9000, 5500-9100, 5500-9220, 5800-8100, 5800-8120, 5800-8300, 5800-8810, 5800-9000, 8000-7950, 0330-8968, 8195-8968, 8995-8968, 1102-1960, 1102-8968, 1102-8969, 1102-9980, 4200-8968, 8199-7966, 8199-7967, 8900-7967, 1100-7982, 1102-7977, 1102-7979, 1102-9981, 1599-3914, 0330-2204, 0330-2206, 0330-2208, 0330-2209, 0526-8998, 8900-1981, 0526-0101, 0526-0111, 1102-1991, 1102-1992, 1102-2992, 1102-4994, 1102-5996, 7066-0013, 1102-7943, 1102-7944, 1102-7947, 1102-7948, 1102-8245, 1102-8940, 1102-8944, 1102-8945, 1102-8947, 1102-8981, 1599-1999, 4180-0013, 8000-0018, 8000-0019, 8100-9961, 1102-2204, 1102-4940, 1102-7949, 1102-7960, 1102-8949, 1102-9960, 0330-9010, 0333-0010, 0526-2010, 1102-2010, 1102-2011, 1102-3010, 1102-3013, 1102-3014, 1599-0023, 1790-2011, 1790-2012, 4000-2011, 4590-9999, 8000-2010, 8000-2011, 8000-2014, 8000-2019, 8100-0024, 8100-9962, 8800-2096, 0332-8811, 0431-8833, 1102-8791, 1102-8872, 1599-0267.

SECTION 21. Section 20 of this act shall take effect 90 days after the effective date of this act.