



**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION
MASSACHUSETTS HIGHWAY DEPARTMENT**



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GOVERNOR

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SECRETARY

LUISA PAIEWONSKY
COMMISSIONER

October 2, 2008

Dear Snow and Ice Contractors:

I am writing to update you on some contract issues and clarify questions that have come to our attention over the past month.

Prompt Payment

MassHighway is aware that prompt payment remains the number one issue that has not yet been resolved. We fully agree that Contractors should be paid as soon as possible after providing service to the Commonwealth. Governor Patrick included prompt payment language in legislation filed this past spring. While this language was not ultimately adopted in the Legislature, there is broad agreement in the Administration and the Legislature that snow and ice contractors should be paid on a timely basis. The Patrick Administration will continue to pursue this issue and is working on new language in consultation with the Comptroller's Office. We are hopeful a resolution on this very important matter is forthcoming, and will keep you updated on all new developments as we resolve this issue.

Compensation

I understand that there has been some confusion about the contract language that reads, "Contractors shall only be compensated for performance delivered..." This language, which is standard in MassHighway contracts, ensures that Contractors who provide hourly service will be paid for those services.

Early Sign-up Bonus

As of the September 15, 2008 early sign-up bonus deadline, MassHighway received contracts from hundreds of Contractors across the state committing over 2,600 pieces of equipment. This is the largest amount of equipment that we have ever had signed up this early in the season. All additional Agreements received after September 15, 2008 will be time-stamped at the District offices and rotation assignments will be based on the terms in the Agreement. If you have additional equipment you would like to sign up, please call the District office to confirm which Depots still need equipment. All additional equipment that meets the terms of the Agreement will be placed in the rotation. There will be no extension to the early sign-up bonus deadline.

Many Contractors have already sent the required additional documents that are due before the October 15, 2008 deadline. For those who have not, please remember we need to receive these items prior to the deadline for you to maintain the early sign-up bonus.



Your calibration certificates should be mailed as soon as they are completed. MassHighway will send you dates and locations to have your equipment inspected at our Depots or other District locations.

License Certification

I understand that there has been some confusion about license certification. MassHighway is not asking you to send us the license number, social security number or any other personal information about your employees or equipment operators. We are asking you to review and confirm that each of your drivers has the proper license to operate your equipment. Many Contractors already provide this information to their insurance companies or collect it as part of their normal hiring process or annual review to ensure their employees are properly licensed. MassHighway performs this same review for all of our employees. We will **not** use this information for payroll certification or for any other purpose except to ensure that all drivers are licensed. I am sure you will agree that this simple check helps create safer roads for your employees, our employees and everyone using Massachusetts highways.

GPS

As discussed at our five statewide meetings, MassHighway will only be using GPS devices in a limited number of vehicles, such as tow trucks and ramp trucks. **No Contractors will be required to purchase or install GPS equipment on their vehicles.**

Timely and Accurate Information

It is important to us at MassHighway that you receive accurate information about the contract and all snow and ice issues. We are always available to answer your questions and hear your concerns. If you hear any information about the contract that concerns you, please feel free to contact us directly. You have my commitment that we will provide factual and prompt responses.

Finally, if you would like us to send you another copy of the Agreement or have any questions please feel free to contact us at, 617-973-7740 or by email at mhd.snowandice@mhd.state.ma.us

We know that you work very hard under challenging conditions, and appreciate your strong commitment to public safety. We will continue to work on the prompt-pay issue until it is resolved and will continue to provide updated information to you as we receive it. Thank you for your service to the Commonwealth.

Sincerely,



Luisa Paiewonsky
Commissioner