

STATE HIRES BIG DIG DESIGN FIRMS ON EMERGENCY BASIS

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By Glenn Johnson

BOSTON – The rush to inspect and repair Big Dig tunnels has prompted the state to hire a half-dozen firms without competitive bidding and without their fees determined up front, but state officials say they are following established emergency contract procedures.

McCourt Construction Co. of Boston, which had already been working on the Central Artery project, has been given an expanded role to handle any repairs, said Jon Carlisle, spokesman for the Executive Office of Transportation.

Separately, TranSystems Corp. of Kansas City, Mo., has been retained to design the fixes; Purcell Associates of Boston and Charles Sells Associates of Charlton are handling ongoing tunnel inspections; and Massachusetts Materials Research of West Boylston, ATC of Avon and Advance Testing Co. Inc. of Campbell Hall, N.Y., have been hired to perform so-called "pull tests" to gauge the strength of fasteners attaching ceiling panels to tunnel roofs.

While McCourt has an existing contract with the Big Dig, all of the others have begun work with only a letter from the state authorizing their employment.

"We are still in the midst of negotiating contracts," Carlisle said. "Massachusetts contract law has emergency provisions for situations like this, so rather than wasting two or three weeks negotiating contracts and then getting the work done, the law allows us to go forward in this manner."

As to concerns that could lead to price-gouging, Carlisle said: "We're going to develop a contract that is in accordance with similar pay scales, so we don't believe any of these consultants will be asking for anything above and beyond what they would get paid for similar jobs."

The spokesman said that with the exception of redeploying McCourt, the state was careful to hire contractors not involved with the project before the July 10 accident in which 12 tons of ceiling panels fell, crushing a car and killing a 39-year-old Boston woman inside.

Gov. Mitt Romney, who has approved the hirings, complained Tuesday about other spending in the accident's aftermath.

Matthew Amorello, chairman of the Massachusetts Turnpike Authority, has hired three law firms to represent him as the governor tries to remove him from day-to-day oversight of the agency through an administrative hearing process.

Romney loyalists on the Turnpike board have also sued him, alleging Amorello won approval of bylaws undercutting their authority. The state is being represented for free by the Boston law firm of WilmerHale.

"I think it's pretty clear ... that Matt Amorello has begun a strategy to hire multiple law firms at public expense to delay and bog down the process as long as he possibly can, hopefully, in his view, until I've left office," the governor said during a Statehouse news conference.

While various state officials have called for him to step aside, "instead, he wants to spend public money to keep himself in his position. I cannot, for the life of me, understand why he doesn't move on," Romney said.

Amorello has refused to say how much he is paying to the three firms: Good & Cormier, McCarter & English and DLA Piper Rudnick.

"There would be no legal fees if not for the politically motivated actions taken by the governor and his recent appointments to the Turnpike Authority Board," said Amorello spokeswoman Mariellen Burns.