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55 YEARS

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## **ASM files Amicus Brief in Prompt Pay Act case - by Michael McDonagh**

March 18, 2022 - Construction Design & Engineering



Michael McDonagh

The Prompt Pay Act in Massachusetts is one of the most important laws for all contractors and helps to ensure that timely payments are made on private construction jobs. Recently, the substance of that law was challenged in the case of *Tocci v. IRIV*. The case is important for subcontractors and all contractors because it examined the meaning of the language in the statute. The Superior Court upheld the law as written and rejected the defendant's argument that they had substantially complied with the requirements in the statute. Not unexpectedly, the defendants appealed the decision and the Massachusetts Appeals Court heard oral arguments on February 1, 2022. ASM submitted an Amicus Brief in support of the contractor's arguments and urged the court to uphold the statute. The brief gave the court a clear explanation of the intent of the Prompt Pay Act and explained the importance of upholding a strict reading of the language in the law. A decision by the Appeals Court is expected by May.

#### ASM Now Accepting Scholarship Applications

Since 2005, ASM has presented scholarship awards to deserving students from ASM member companies, using proceeds from ASM's annual golf tournament. Thanks to the great success of the event, applications are being accepted for twelve ASM 2022 Scholarships totaling \$12,000.

Four \$2,000 College/University Scholarships will be awarded to ASM member employees, and immediate family members (spouse/child), who are enrolled in an accredited college or university. Two-year community college students are eligible to apply. Eight \$500 Trade School Scholarships will be awarded to successful candidates who are enrolled in a non-profit, registered trade school.

New this year, our Trade School Scholarship application is open to non-members. These awards are also open to current vocational-tech high school students in the construction trades to supplement the necessary tools and equipment that vo-tech students need for their career technical education classes.

For applications and more information, visit our website.

#### ASM Members to Hear from DCAMM Commissioner Carol Gladstone

On Thursday, March 31, ASM is thrilled to host an in-person seminar with the Division of Capital Asset Management and Maintenance (DCAMM) Commissioner Gladstone and her key staff. This event will be held at the Hilton Garden Inn in Waltham. The commissioner will give ASM members, as well as interested non-members, an update on everything happening at DCAMM as well as programs and projects on the horizon in the coming year.

If you work in public construction in Massachusetts, this is a must-attend event to hear the latest information from DCAMM. If you are a contractor considering public construction, this is an excellent opportunity to learn about upcoming opportunities and to make connections.

Joining the commissioner will be her leadership team including:

- Liz Minnis - deputy commissioner, planning;
- Jay Mitchell - deputy commissioner, design and construction;
- Lisa Dixon - chief of staff;
- John Prudente - deputy chief of staff; and
- Charles Kelsey - director of access and opportunity.

This event is open to both ASM members and non-members. The registration fee for members is \$50 and the fee for non-members will be \$75. For more information and to register, visit our website.

For more information about membership, events, or other opportunities with ASM, please visit our website at [www.associatedsubs.com](http://www.associatedsubs.com).

Michael McDonagh is the CEO of the Associated Subcontractors of Mass., Boston.

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