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ABC chairman's message: Working for free and open competition

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Luiza Mills

Associated Builders and Contractors of Massachusetts has enjoyed a good relationship with governor Maura Healey. So we were taken aback last month when, at the Massachusetts Building Trades Convention, the governor announced an executive order calling on state agencies to conduct an analysis “to determine whether using a PLA (project labor agreement) is in the best interest of the Commonwealth or agency” for all projects valued at \$35 million and above.

Since that time, state trade unions have been claiming PLAs don’t require union labor. However, the language included in Massachusetts PLAs is clear: “The contractor recognizes the union as the sole and exclusive bargaining representative of all craft employees working within the scope of this agreement.”

That means they exclude the 83.4% of Massachusetts construction workers who choose not to join a union, according to U.S. Bureau of Labor Statistics data analyzed by unionstats.com.

The work of ABC member employees is reviewed through the same Division of Capital Asset Management and Maintenance certification and local prequalification processes as that of union workers. ABC member craftspeople in licensed trades pass the same state licensing exams. The record also shows that member contractors and other open-shop firms routinely work alongside their union counterparts in harmony and without incident on projects valued at \$35 million and over.

The impact of excluding over 80 percent of the workforce is simple – less competition. That translates to fewer bidders and higher costs. This was reflected at the West Parish Water Treatment Plant. The Springfield Water and Sewer Commission first bid the project under a PLA. But when it was re-bid after a Springfield Superior Court Judge enjoined the PLA, the electrical bid alone saved \$15.5 million.

Perhaps Judge Michael Callan’s ruling in that case summarized it best: “The decision concludes: “Finally, the public interest is manifest. The public benefits from an open, fair, competitive and robust bidding process. The PLA requirement unnecessarily curtails this without legal justification.”

ABC has met with Governor Healey to express concerns over what PLAs mean for our members and the Commonwealth. ABC will increase our advocacy for fair and open bidding and pursue continued options to combat PLAs. We do this knowing that, beyond supporting our members, it reinforces fair competitive opportunities.

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