

SENATE No. 2386

The Commonwealth of Massachusetts

Senate, July 30, 2012.

BILL #: S01568

BILL STATUS: Favorable with Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

STEPHEN M. BREWER

SENATE No. 2386

The committee on Ways and Means, to whom was referred the Senate bill to create equitable job access (Senate, No. 1568); reports, recommending that the same ought to pass with an amendment substituting a new draft entitled "An Act to ensure transparency of workforce participation in public construction contracts" (Senate, No. 2386).

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to ensure transparency of workforce participation in public construction contracts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (b) of section 14C of chapter 7 of the General Laws, as
2 appearing in the 2010 Official Edition, is hereby amended by striking out the words “and (6) any
3 other relevant information specified by the secretary” and inserting in place thereof the following
4 words:-

5 (6) the reports required by subsection (j) of section 40N; and

6 (7) any other relevant information specified by the secretary.

7 SECTION 2. Section 38F of said chapter 7, as so appearing, is hereby amended by
8 inserting after the word “project”, in line 9, the following words:- , including evidence of the
9 applicant’s ability to advance the commonwealth’s goals under section 40N.

10 SECTION 3. Subsection (a) of section 40N of said chapter 7, as so appearing, is hereby
11 amended by striking out, in line 16, the words “construction and design services”, and inserting

12 in place thereof the following words:- construction, design, goods and services; (6) it is also the
13 policy of the commonwealth to include language in all state construction contracts and state
14 assisted construction contracts setting forth the participation goals of minority and women
15 workers to be employed on each such contract and provisions setting forth processes and
16 procedures to ensure compliance with those workforce participation goals, including reporting
17 and enforcement provisions.

18 SECTION 4. Subsection (b) of said section 40N said chapter 7, as so appearing, is hereby
19 amended by striking out the definition of “State office of minority and women business
20 assistance” and inserting in place thereof the following definition:- “Supplier diversity office” or
21 “SDO”, the supplier diversity office established in section 58A.

22 SECTION 5. Said section 40N of said chapter 7, as so appearing, is hereby amended by
23 striking out, in lines 75 and 76, line 90, lines 100 and 101 and lines 134 and 135, the words “state
24 office of minority and women business assistance”, each time they appear, and inserting in place
25 thereof the following words:- supplier diversity office.

26 SECTION 6. Said section 40N of said chapter 7, as so appearing, is hereby further
27 amended by striking out, in line 95, the word “SOMWBA” and inserting in place thereof the
28 following word:- SDO.

29 SECTION 7. Said section 40N of said chapter 7, as so appearing, is hereby further
30 amended by striking out subsection (j) and inserting in place thereof the following 2
31 subsections:-

32 (j) The commissioner shall file a report quarterly with the house and senate clerks, who
33 shall forward the report to the joint committee on state administration and regulatory oversight

34 and the house and senate committees on ways and means, including the following information
35 related to public construction and design services contracts administered by the executive offices
36 listed in section 2 of chapter 6A, any department, office or division of said executive offices or
37 the Massachusetts Department of Transportation: (1) the date each contract was entered into; (2)
38 a brief description of each contract including the contract reference number, total contract dollar
39 amount to be spent on the contract, the location of the project and whether the project receives
40 federal aid and state funding; (3) the total amount of the money expended, to date, on each
41 contract; (4) the total amount of money expended to date, with minority business enterprises and
42 women business enterprises on the contract; (5) the name of each minority business enterprise
43 and women business enterprise that performs work as a contractor whether as a general or prime
44 contractor or as a subcontractor, on the contract; (6) the total number of labor hours worked to
45 date, on each contract organized by the zip code of each worker; (7) the total number of labor
46 hours worked to date by women, expressed both in the form of a whole number and as a
47 percentage; (8) the total number of labor hours worked to date by minorities, expressed both in
48 the form of a whole number and as a percentage; and (9) any additional information required by
49 the SDO. The report shall be filed not later than 60 days after the end of the preceding quarter
50 and shall be made publicly available on the searchable website established under section 14C.

51 (k) The commissioner shall promulgate regulations necessary to implement this section.

52 SECTION 8. Chapter 149 of the General Laws is hereby amended by inserting
53 after section 44A¹/₂ the following section:-

54 Section 44A³/₄. It shall be the policy of the commonwealth to include language in all
55 state construction contracts and state assisted construction contracts setting forth the participation

56 goals of minority and women workers to be employed on each such contract and provisions
57 setting forth processes and procedures to ensure compliance with those workforce participation
58 goals, including reporting and enforcement provisions.

59 SECTION 9. Section 44D of said chapter 149, as appearing in the 2010 Official
60 Edition, is hereby amended by inserting after the word “guidelines”, in line 67, the following
61 words:- , including evidence of the applicant’s ability to advance the commonwealth’s goals
62 under section 44A¾ and section 40N of chapter 7.

63 SECTION 10. Said section 44D of said chapter 149, as so appearing, is hereby further
64 amended by inserting after the word “commitments”, in line 75, the following words:- ;
65 information on and evidence of the applicant’s compliance record with respect to minority-
66 owned business and women-owned business inclusion goals and workforce inclusion goals, if
67 applicable.