

SENATE No. 2503

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, October 27, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to equity in public contracting in honor of Bruce C. Bolling (Senate, No. 1617),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2503).

For the committee,
Karen E. Spilka

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In the One Hundred and Eighty-Ninth General Court
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An Act relative to equity in public contracting in honor of Bruce C. Bolling.

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. Section 22O of chapter 7 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following sentence:- The commonwealth shall
3 seek to achieve minority business enterprise and women business enterprise contracting goals
4 within state procurement that reflect the diverse racial, ethnic and gender makeup of the
5 commonwealth’s population.

6 SECTION 2. The definition of “Responsible” in section 44A of chapter 149 of the
7 General Laws, as so appearing, is hereby amended by adding the following words:- provided,
8 however, that in deliberating upon the responsibility of a bidder, a contracting public agency
9 shall consider a bidder’s compliance with commitments made in previous bids, if any, regarding
10 workforce inclusion goals and the employment of minority business enterprises and women
11 business enterprises.

12 SECTION 3. Section 44A½ of said chapter 149, as so appearing, is hereby amended by
13 adding the following subsection:-

14 (d) Minority business enterprise and women business enterprise contracting goals and

15 workforce participation goals based upon the totality of state-funded design and construction
16 contracts shall reflect the diverse racial, ethnic and gender makeup of the commonwealth's
17 population. The supplier diversity office of the operational services division shall create a data
18 collection program. Information collected through the program shall be used to ensure
19 compliance with the rules and regulations promoting meaningful participation in construction
20 and design projects by minority-owned businesses, women-owned businesses and veteran-owned
21 businesses. The supplier diversity office shall not less than biannually provide a written report to
22 the clerks of the senate and house of representatives and the senate and house chairs of the joint
23 committee on ways and means detailing contracting and workforce participation goals and
24 compliance or progress in reaching the goals.

25 SECTION 4. Paragraph (1) of subsection (e) of section 44D½ of said section 149, as so
26 appearing, is hereby amended by adding the following clause:-

27 (viii) Joint Ventures, documentation demonstrating that the firm has formed an
28 association of not less than 2 businesses in which 1 of the businesses is a minority business
29 enterprise or a women business enterprise.