

HOUSE No. 3382

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to equity in public workforce.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

HOUSE No. 3382

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 3382) of Chynah Tyler and others relative to diversity in public contracting. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to equity in public workforce.

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 1 of chapter 149 of the General Laws, as appearing in the 2012
2 Official Edition is hereby amended by inserting after the last paragraph the following
3 paragraphs:-

4 "Low income community", a municipality where the median household income is 65
5 percent or less than the statewide household median income. In the case of a municipality with
6 50,000 residents or more, low income community shall mean a geographically contiguous,
7 historically recognized neighborhood of 10,000-50,000 residents.

8 "Minority", shall be defined as a person who is Black, Cape Verdean, Hispanic, Asian or
9 American Indian.

10 "Women", shall defined as a female eighteen or over.

11 SECTION 2. The definition of "Responsible" in section 44A of chapter 149 of the
12 General Laws, as so appearing, is hereby amended by adding the following words:- provided,

13 however, that in deliberating upon the responsibility of a bidder, a contracting public agency
14 shall consider a bidder's compliance with commitments made in previous bids or contract
15 documents with the Commonwealth, if any, including, but not limited to, the failure of a bidder,
16 contractor, or proposed subcontractor to comply with workforce requirements.

17 SECTION 3. Section 44A½ of said chapter 149, as so appearing, is hereby amended by
18 inserting after the last paragraph the following paragraph:-

19 (a) It shall be a requirement of the Commonwealth that the workforce on that project
20 reflect 51% residents, 40% minority and 12% women of the host community, when construction
21 projects are located in low income communities.

22 SECTION 4. Said chapter 149, as so appearing, is hereby amended by inserting after
23 section 44M the following section:-

24 Section 44N. Data collection and disclosure

25 Within 150 calendar days of the effective date of this section, any entity awarded a
26 contract for construction by a state agency shall provide written verification with every progress
27 payment request (PPR) submitted to the awarding authority detailing the total number of hours
28 worked by all employees on that contract during the period covered by the PPR; and including a
29 breakdown of hours worked by workers' ZIP codes of residence, as well as a breakdown of the
30 number of hours worked by women and minority workers, respectively. The reporting entity
31 shall take necessary steps to prevent the disclosure of individually-identifying information about
32 employees on this report.

33 The executive office of administration and finance shall, within 90 calendar days of the
34 effective date of this section, promulgate a template reporting form, for optional use by the
35 awarding authority, to assist contractors in meeting the requirements of this section.

36 The awarding authority shall submit the report to the Massachusetts Management and
37 Reporting System (MMARS) within 30 calendar days of receiving it. The Comptroller of the
38 Commonwealth shall, within 120 of the effective date of this section, develop appropriate fields
39 within the MMARS for receiving this data.