

SENATE No. 2564

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 to support MassMakers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/26/2020</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/26/2020</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2020</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/28/2020</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>2/26/2020</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/27/2020</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2020</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/2/2020</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>3/2/2020</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>3/3/2020</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/4/2020</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>3/12/2020</i>

SENATE No. 2564

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2564) (subject to Joint Rule 12) of Diana DiZoglio for legislation to support MassMakers. Community Development and Small Businesses.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to support MassMakers.

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. This Act may be known as the MassMakers Act. For purposes of this Act,
2 the following terms shall have the following meanings unless the context clearly requires
3 otherwise:

4 “HURE MASS”, the entrepreneurial and business skills program established pursuant to
5 Section 9 of this Act, designed to provide skills to aspiring entrepreneurs and microbusinesses, as
6 defined in this Act, to start up, scale up, and become the next generation’s employers.

7 “Mass Main Streets”, the office of Massachusetts main streets established pursuant to
8 Section 7 of this Act, for the purpose of protecting, coordinating, promoting, and revitalizing
9 downtowns and commercial districts of the commonwealth’s cities and towns.

10 “MassMade business”, an enterprise which (i) has its principal place of business in the
11 commonwealth; (ii) is in good standing with the department of revenue; (iii) is registered with

12 Supply Mass/Buy Mass, as defined in this Act; and (iv) produces raw materials, including
13 agricultural items, in the commonwealth, or manufactures products or goods in the
14 commonwealth.

15 “MassMakers Portal”, the one-stop shop interactive web portal established pursuant to
16 Section 5 of this Act for prospective and established businesses in the commonwealth, to serve as
17 the single, unified entry point for business information and statutory and regulatory compliance.

18 “Massport Model”, the bidder selection model implemented by the port authority which,
19 in the port authority’s requests for proposals, requires bidders to incorporate diversity and
20 inclusion plans into their bids, such plans to be considered alongside traditional criteria when
21 evaluating bids and given a weight of 25%.

22 “Microbusiness”, an enterprise which has its principal place of business in the
23 commonwealth, is independently owned and operated, and (i) if a manufacturing firm, has 25 or
24 fewer employees, or (ii) if a service, construction or non-manufacturing firm, has 25 or fewer
25 employees and average annual gross receipts over the 3 previous years not exceeding
26 \$3,500,000, indexed for inflation.

27 “Minority business”, an enterprise which has its principal place of business in the
28 commonwealth, is independently owned and operated, and at least 51% of which is owned and
29 dominantly controlled by adult minority principals as defined in 425 CMR 2.02(1), or any
30 successor regulation thereto.

31 “Small business”, a business entity, including its affiliates, that: (i) is independently
32 owned and operated; (ii) has a principal place of business in the commonwealth; and (iii) would

33 be defined as a "small business" under applicable federal law, as established in the United States
34 Code and promulgated from time to time by the United States Small Business Administration.

35 "Supply Mass/Buy Mass", the program established pursuant to Section 6 of this Act for
36 the purpose of connecting local suppliers with local purchasers.

37 SECTION 2. Chapter 6 of the General Laws is hereby amended by inserting after section
38 15IIIIII the following section:-

39 Section 15JJJJJ: Local is the New Black Weekend

40 Section 15JJJJJ. The governor shall annually issue a proclamation setting apart the first
41 Friday, Saturday and Sunday following Thanksgiving Day as Local is the New Black Weekend,
42 in recognition and to promote awareness of the vital role that local businesses play in the
43 economy and general welfare of the commonwealth throughout the year, and recommending that
44 the weekend be observed in an appropriate manner by the people.

45 SECTION 3. Section 57 of chapter 7 of the General Laws is hereby amended by adding
46 the following paragraphs:-

47 In order to fulfill the commitment embodied in the foregoing policy, it is not sufficient
48 that the state government see that all available services and programs are put to the best use. The
49 state government has an affirmative duty to advance diversity and equity in all of its own rules,
50 regulations and practices. It is therefore incorporated into the policy of the commonwealth that
51 all agencies of the commonwealth, when procuring supplies or services via requests for
52 proposals from private businesses, include diversity and inclusion plan requirements in all such
53 requests and consider those plans alongside traditional criteria when evaluating bids. The weight

54 given to diversity and inclusion plans when evaluating bids shall be determined by each agency
55 of the commonwealth in collaboration with the executive office of housing and economic
56 development, the executive office of labor and workforce development, the executive office for
57 administration and finance, the commission against discrimination, the supplier diversity office
58 established pursuant to section 58A, the vendor advisory team formed by the gaming
59 commission, and the port authority. Agencies may seek guidance from the Massport Model in
60 determining the weight to be given to diversity and inclusion plans when evaluating bids.

61 The secretary of each executive office is hereby authorized to promulgate regulations to
62 assure the timely and effective implementation of this section.

63 SECTION 4. Chapter 7 of the General Laws is hereby amended by striking out sections
64 58 through 61, inclusive.

65 SECTION 5. Chapter 9 of the General Laws is hereby amended by inserting after section
66 31 the following section:-

67 Section 32: MassMakers Portal

68 Section 32. (a) There is hereby established a one-stop shop interactive web portal to be
69 known as the MassMakers Portal for prospective and established businesses in the
70 commonwealth. The state secretary, the executive office for administration and finance, the
71 executive offices of education, energy and environmental affairs, health and human services,
72 housing and economic development, labor and workforce development, public safety and
73 security, and technology services and security, and the department of revenue shall jointly
74 develop and implement the MassMakers Portal, which shall serve as a single, unified entry point
75 for prospective and established businesses to obtain local business information and execute all

76 statutory and regulatory compliance tasks required by the commonwealth in connection with the
77 creation, continuing operation, or upscaling of business.

78 (b) In order to develop and implement the MassMakers Portal, the agencies identified in
79 subsection (a) shall assemble a task force which shall consist of the state secretary, ex officio, or
80 a designee, the secretaries of administration and finance, education, energy and environmental
81 affairs, health and human services, housing and economic development, labor and workforce
82 development, public safety and security, and technology services and security, ex officio, or their
83 designees, the commissioner of revenue, ex officio, or a designee; 7 persons appointed by the
84 attorney general, 1 of whom shall be from each of the 7 regions of the commonwealth: the
85 western region, the central region, the northeast region, the Merrimack Valley, the metro west
86 region, the Greater Boston region, and the southeast region; and 7 persons appointed by the
87 governor, 1 of whom shall be from each of the 7 identified regions of the commonwealth. The
88 governor, attorney general, state treasurer, and co-chairs of the task force shall have the
89 discretion to appoint other members to the task force by majority vote. Persons appointed to the
90 task force shall be members or representatives of the business community, including
91 entrepreneurs, microbusiness owners, minority business owners and small business owners,
92 and/or have demonstrated interests and experience in state agency processes, business
93 regulations, web portal design and implementation, and/or other qualifications and experience
94 that the appointing authorities determine are necessary to fulfilling the mission of the task force.
95 Members shall be selected without regard to political affiliation, shall as fully as possible
96 represent a diverse and equitable array of stakeholders, and shall serve without compensation.
97 The state secretary, or a designee from among the members of the task force, and the secretary of

98 housing and economic development, or a designee from among the members of the task force,
99 shall serve as co-chairs.

100 (c) The task force shall perform a needs and cost assessment and may, subject to
101 appropriation and the laws and regulations pertaining to the employment of consultants, employ
102 such consultants as the task force deems necessary to assist in the execution of said assessment.
103 Said assessment shall be completed and the results thereof shall be presented to the governor and
104 the general court by March 1, 2021, to inform the budget of the next legislative session. The
105 assessment shall include, but not be limited to, the following:

106 (1) recommendations on the location, design, functionality and scope of services of the
107 MassMakers Portal, which at a minimum shall include:

108 (i) online account services through which businesses can monitor deadlines for
109 submission of forms, documents and payments, as well as compliance status and standing with
110 each state agency;

111 (ii) electronic applications for licenses and renewals thereof;

112 (iii) electronic payment options for fees and taxes incident to the creation, continuing
113 operation or upscaling of business;

114 (iv) compliance alerts in connection with new or revised state statutes, regulations and
115 procedures;

116 (v) toolkits and video tutorials on all aspects of starting a business in the commonwealth,
117 operating a business, upscaling a business, completing forms and complying with state statutory
118 and regulatory requirements in connection therewith;

119 (vi) Supply Mass/Buy Mass information, and coordination with Supply Mass/Buy Mass
120 online services;

121 (vii) Mass Main Streets information, and coordination with Mass Main Streets online
122 services;

123 (viii) HÛRE MASS information, and coordination with HÛRE MASS onlines services;

124 and

125 (ix) technical assistance resources;

126 (2) an estimate of the costs of full implementation of the MassMakers Portal, including,
127 but not limited to, those associated with technology, infrastructure, operations and maintenance,
128 sharing and coordination of agency data, and security;

129 (3) recommendations for and an estimate of the costs of establishing and maintaining a
130 help center staffed with persons trained to answer questions and assist with navigation of the
131 MassMakers Portal;

132 (4) recommendations on the time-line for designing, developing and testing the
133 MassMakers Portal, which at the latest shall have its first testing phase for the state secretary's
134 office to process new business registrations and associated fee payments by December 31, 2021,
135 and shall have its second testing phase to submit tax payments with the department of revenue by
136 December 31, 2022;

137 (5) recommendations as to the roles of the agencies identified in subsection (a) regarding
138 ongoing operational management of the MassMakers Portal;

139 (6) a comprehensive analysis of the processes of all state agencies with respect to the
140 creation, continued operation or upscaling of businesses located in the commonwealth, with a
141 goal of simplifying and streamlining regulatory tasks and forms required by said agencies and
142 strengthening the delivery of services provided by said agencies to entrepreneurs,
143 microbusinesses, small businesses, and other businesses in the commonwealth;

144 (7) identification of any state statutory, regulatory or procedural changes that need to be
145 made to effectuate the functionality of the MassMakers Portal;

146 (8) identification of existing entrepreneurial, microbusiness, small business, and other
147 business assets, resources, web content and functions provided by state agencies to coordinate
148 and incorporate such assets, resources, web content and functions into the MassMakers Portal;

149 (9) identification of potential impediments to functionality posed by federal law, if any,
150 and recommendations for work-arounds or solutions to such impediments;

151 (10) the impact of prioritizing microbusiness applications and account services; and

152 (11) recommendations on potential incentives to encourage municipalities or regional
153 planning authorities to create local portals for similar purposes or committed to similar mission
154 outcomes as the MassMakers Portal, with the option of linking to or being incorporated into the
155 MassMakers Portal.

156 (d) The task force may, subject to appropriation, appoint and may remove all such
157 employees as may be necessary to carry out the work of designing and implementing the
158 MassMakers Portal based on the results of the needs and cost assessment. Unless otherwise

159 provided by law, all such appointments and removals of employees shall be made under chapter
160 31.

161 (e) The state secretary shall hold as a separate fund and may expend such sums as may be
162 appropriated for the MassMakers Portal by the general court, and may accept gifts, donations,
163 grants or bequests or any federal funds for any of the purposes set forth in this section, which
164 shall be credited to the fund. All available money in the fund that is unexpended at the end of
165 each fiscal year shall not revert to the General Fund and shall be available for expenditure by the
166 task force in the subsequent fiscal year.

167 (f) The state secretary is hereby authorized to promulgate regulations to assure the timely
168 and effective implementation of this section.

169 SECTION 6. Chapter 23A of the General Laws is hereby amended by striking out section
170 10A and inserting the following section:-

171 Section 10A: Supply Mass/Buy Mass; MassMade

172 Section 10A. (a) In order for the commonwealth to execute on its responsibility of
173 facilitating expansion of the local economy, MOBD shall establish a program to be known as
174 Supply Mass/Buy Mass for the purpose of connecting local suppliers with local purchasers,
175 whether public or private, institutional, commercial or individual. In implementing said program,
176 MOBD shall:

177 (1) establish requirements for local suppliers to register as MassMade businesses with
178 Supply Mass/Buy Mass;

179 (2) design and implement a Supply Mass/Buy Mass interactive web portal through which
180 local suppliers can register as MassMade businesses and create MassMade business profiles with
181 industry-specific information;

182 (3) assemble a searchable database of MassMade businesses through the portal by
183 industry, raw materials produced or products or goods manufactured, and other identifying
184 characteristics, with specific search features independently tailored toward local institutional
185 purchasers, commercial purchasers, and individual purchasers;

186 (4) develop toolkits and training videos available through the portal to guide MassMade
187 businesses to better understand the needs and procurement processes of local institutional and
188 commercial purchasers;

189 (5) enable local institutional and commercial purchasers to issue requests for proposals
190 through the portal and MassMade businesses to respond to such requests through the portal;

191 (6) promote live networking events through the portal to connect MassMade businesses
192 with local institutional and commercial purchasers;

193 (7) determine those raw materials, products or goods needed by local institutional and
194 commercial purchasers currently purchased outside the commonwealth or from foreign
195 countries, especially raw materials, products or goods required for the first time; inquire whether
196 other local institutional or commercial purchasers are in need of such raw materials, products or
197 goods; assess whether any MassMade businesses are capable of producing or manufacturing the
198 needed raw materials, products or goods with additional capital or retooling;

199 (8) coordinate and connect the portal with the MassMakers Portal;

200 (9) identify other obstacles to conducting business in the commonwealth and advance
201 resources through the portal to address those obstacles to the extent possible;

202 (10) promote public-private partnerships;

203 (11) develop, evaluate and recommend policies, initiatives and incentives to prevent
204 consumer flight from local suppliers in the cities and towns of the Merrimack Valley and other
205 border municipalities to suppliers in New Hampshire or other tax advantaged states or from other
206 sources; and

207 (12) undertake any other activities necessary to implement the purposes of this section.

208 Dedicated effort shall be made to encourage diversity and advance equity based on race,
209 color, religious creed, national origin, sex, gender identity, sexual orientation, genetic
210 information, ancestry, disability, and language in implementing Supply Mass/Buy Mass.

211 (b) MOBD may consult with and seek input from interested stakeholders and shall work
212 with entities including MassMade businesses, regional economic development organizations,
213 microbusiness and small business associations, chambers of commerce, the supplier diversity
214 office, the Massachusetts marketing partnership and the office of consumer affairs and business
215 regulations in order to collect and provide business and product information related to
216 MassMade businesses. All Supply Mass/Buy Mass information shall be readily accessible and
217 free to the public.

218 (c) MOBD shall hold as a separate fund and may expend such sums as may be
219 appropriated for Supply Mass/Buy Mass by the general court, and may accept gifts, donations,
220 grants or bequests or any federal funds for any of the purposes set forth in this section, which

221 shall be credited to the fund. All available money in the fund that is unexpended at the end of
222 each fiscal year shall not revert to the General Fund and shall be available for expenditure by
223 MOBD for Supply Mass/Buy Mass in the subsequent fiscal year.

224 (d) MOBD is hereby authorized to promulgate regulations to assure the timely and
225 effective implementation of this section.

226 SECTION 7. Chapter 23A of the General Laws is hereby amended by inserting after
227 section 13 the following section:-

228 Section 13 ½: Mass Main Streets; executive director; function; employees; advisory
229 commission; industrial mill buildings; gifts and grants; trust fund

230 Section 13 ½. (a) There shall be within MOBD an office of Massachusetts main streets to
231 be known as Mass Main Streets, in this section referred to as MMS, which shall be under the
232 supervision and control of an executive director. The powers and duties given to the executive
233 director of MMS in this section and in any other general or special law shall be exercised and
234 discharged subject to the direction, control and supervision of MOBD.

235 (b)(1) The executive director of MMS shall be appointed by the governor, and serve at
236 the pleasure of the governor. The position of executive director of MMS shall be classified under
237 section 45 of chapter 30 and the executive director of MMS shall devote full time during
238 business hours to the duties of MMS.

239 (2) The executive director of MMS shall be the executive and administrative head of
240 MMS and shall be responsible for administering and enforcing the laws relative to MMS, any
241 administrative unit of MMS, and the policies, programs and initiatives enacted to fulfill the

242 mission of MMS pursuant to this section. Powers and duties given to an administrative unit of
243 MMS by a general or special law shall be exercised subject to the direction, control and
244 supervision of the executive director of MMS.

245 (c) MMS shall serve as the principal agency for protecting, coordinating, promoting and
246 revitalizing downtowns and commercial districts of the commonwealth's cities and towns,
247 advancing economic and community development within the context of historic preservation,
248 and advocating public-private partnerships to ensure continuing progress and enduring success,
249 by providing strategic, organizational, informational, marketing and technical assistance and
250 resources to the commonwealth's cities and towns and to public and private entities organized
251 for similar purposes or committed to similar mission outcomes. Dedicated effort shall be made to
252 encourage diversity and advance equity based on race, color, religious creed, national origin, sex,
253 gender identity, sexual orientation, genetic information, ancestry, disability, and language in any
254 recommendations, policies, programs and initiatives developed to fulfill the mission of MMS
255 pursuant to this section.

256 (d) The executive director of MMS may, subject to appropriation and with the approval
257 of MOBD, appoint and may, with like approval, remove all such employees as may be necessary
258 to carry out the work of MMS. Unless otherwise provided by law, all such appointments and
259 removals shall be made under chapter 31. The executive director may, subject to appropriation
260 and the laws and regulations pertaining to the employment of consultants, employ such
261 consultants as the executive director may deem necessary.

262 (e)(1) MMS shall establish an advisory commission to develop budget recommendations
263 and strategies for the development of policies, programs and initiatives to fulfill the mission of

264 MMS pursuant to this section, including, but not limited to, the design and implementation of an
265 MMS interactive web portal, coordination of such portal with the MassMakers Portal, and
266 qualification of MMS for Main Street America Certification in order to be eligible for programs,
267 tools and resources provided by Main Street America. The executive director of MMS shall
268 convene the advisory commission quarterly. The advisory commission shall annually report its
269 recommendations to MOBD not later than November 1. The advisory commission shall annually
270 file its recommendations with the clerks of the senate and house of representatives not later than
271 November 1. The membership of the commission shall annually elect a chairperson.

272 (2) The advisory commission shall have 32 members: 1 representative from the
273 Massachusetts cultural council; 1 representative from the Massachusetts historical commission; 1
274 representative from the community economic development assistance corporation; 1
275 representative from Boston Main Streets Foundation; the executive director or the executor
276 director's designee of each of the commonwealth's 14 regional planning agencies: Berkshire
277 Regional Planning Commission, Boston Region Metropolitan Planning Organization, Cape Cod
278 Commission, Central Massachusetts Regional Planning Commission, Franklin Regional Council
279 of Governments, Martha's Vineyard Commission, Merrimack Valley Planning Commission,
280 Metropolitan Area Planning Council, Montachusett Regional Planning Commission, Nantucket
281 Planning and Economic Development Commission, Northern Middlesex Council of
282 Governments, Old Colony Planning Council, Pioneer Valley Planning Commission, and
283 Southeastern Regional Planning and Economic Development District; and 14 persons appointed
284 by the governor, 2 of whom shall be from each of the 7 regions of the commonwealth: the
285 western region, the central region, the northeast region, the Merrimack Valley, the metro west
286 region, the Greater Boston region, and the southeast region. Commission members shall be

287 persons with demonstrated interests and experience in advancing the cultural, historical and/or
288 economic vitality of downtowns and commercial districts of the commonwealth's cities and
289 towns. All persons appointed to the commission shall be selected without regard to political
290 affiliation and solely on the basis of the qualifications and experience that the appointing
291 authorities determine are necessary to fulfilling the mission of the commission, and shall as fully
292 as possible represent a diverse and equitable array of stakeholders. Each member appointed by
293 the governor shall serve at the pleasure of the governor.

294 (3) The members of the commission shall receive no compensation for their services but
295 shall be reimbursed for any usual and customary expenses incurred in the performance of their
296 duties. This commission shall annually, not later than November 1, make a report to the
297 executive director and the secretary of housing and economic development, and may make such
298 special reports as the commission or the executive director of MMS may deem desirable.

299 (f)(1) MMS shall establish a subcommittee of the advisory commission to develop
300 strategies to stimulate the redevelopment, rehabilitation and revitalization of industrial mill
301 buildings and their environs in the commonwealth. Recommendations of the subcommittee shall
302 be incorporated into the annual report filed by the advisory commission with the clerks of the
303 senate and house of representatives pursuant to paragraph 1 of subsection (e).

304 (2) The subcommittee shall serve as a research body for issues critical to the
305 redevelopment, rehabilitation and revitalization of industrial mill buildings and their environs in
306 the commonwealth and shall: (i) create a database and study, review and report on the status of
307 industrial mill buildings and their environs in the commonwealth; (ii) assess market conditions
308 relative to the economic robusticity of each active industrial mill building in its current use; (iii)

309 identify measures to improve industrial mill building energy efficiency and prevent further
310 structural and environmental degradation; (iv) investigate potential short-term and long-term
311 uses or development solutions for vacant or underutilized industrial mill buildings; (v) review
312 and advise the general court and the executive branch on the impact of existing and proposed
313 state laws, policies and regulations on the potential redevelopment, rehabilitation or
314 revitalization of industrial mill buildings and their environs, including, but not limited to, tax
315 incentives and renewable energy initiatives; (vi) explore innovative permitting processes, zoning
316 regulations and building codes to encourage the redevelopment, rehabilitation or revitalization of
317 industrial mill buildings and their environs; (vii) advance legislative and policy solutions to
318 effectuate the foregoing; (viii) advocate public-private partnership opportunities; and (ix) take
319 such other actions as deemed necessary in furtherance of its purposes.

320 (3) The subcommittee shall consist of those members of the advisory commission
321 representing jurisdictions containing industrial mill buildings, and 1 industrial mill building
322 owner from each region of the 7 regions identified in paragraph (2) of subsection (e) which
323 contains an industrial mill building appointed by the governor. Subcommittee members shall be
324 persons with demonstrated interests and experience in the redevelopment, rehabilitation and/or
325 revitalization of industrial mill buildings and their environs in the commonwealth. All persons
326 appointed to the subcommittee shall be selected without regard to political affiliation and solely
327 on the basis of the qualifications and experience that the appointing authorities determine are
328 necessary to fulfilling the mission of the subcommittee, and shall as fully as possible represent a
329 diverse and equitable array of stakeholders. Each member appointed by the governor shall serve
330 at the pleasure of the governor. The members of the subcommittee shall receive no compensation

331 for their services but shall be reimbursed for any usual and customary expenses incurred in the
332 performance of their duties.

333 (g) MMS may accept and solicit funds, including any gifts, donations, grants or bequests
334 or any federal funds for any of the purposes set forth in this section, which shall be credited to
335 the Mass Main Streets Trust Fund established pursuant to subsection (h).

336 (h)(1) There shall be a Mass Main Streets Trust Fund which shall be administered by
337 MOBD as custodian for MMS and held by MOBD separate and apart from its other funds. There
338 shall be credited to the fund such sums received pursuant to subsection (g) and such sums as may
339 be appropriated for MMS by the general court.

340 (2) All available money in the fund that is unexpended at the end of each fiscal year shall
341 not revert to the General Fund and shall be available for expenditure by MMS in the subsequent
342 fiscal year.

343 (3) MMS shall submit an annual report to MOBD, the clerks of the senate and house of
344 representatives and the joint committee on community development and small businesses not
345 later than December 31 on the cost-effectiveness of the fund. The report shall be made available
346 on the MMS website. The report shall include: (i) expenditures made by MMS from money out
347 of the fund to promote the revitalization of downtowns and commercial districts of the
348 commonwealth's cities and towns and to otherwise fulfill the mission of MMS pursuant to this
349 section; and (ii) expenditures made by MMS for administrative costs.

350 SECTION 8. Chapter 23A of the General Laws is hereby amended by inserting after
351 section 66 the following section:-

352 Section 66A: Microbusiness and minority business strategy commission; members;
353 powers and duties; meetings; annual report

354 Section 66A. (a) There shall be a microbusiness and minority business strategy
355 commission within, but not subject to the supervision or control of, the executive office of
356 housing and economic development. The mission of the commission shall be to enhance the
357 economic vitality of the commonwealth's microbusinesses and minority businesses, recognizing
358 the fundamental role that microbusinesses and minority businesses play in the economy and the
359 contributions made by microbusinesses and minority businesses to the general welfare of the
360 commonwealth.

361 (b) The commission shall consist of the following 18 members: the secretary of housing
362 and economic development, ex officio, or a designee; the secretary of administration and finance,
363 ex officio, or a designee; the chair of the commission against discrimination, ex officio, or a
364 designee; the director of the supplier diversity office, ex officio, or a designee, and 14 persons
365 appointed by the governor, 2 of whom shall be from each of the 7 regions of the commonwealth:
366 the western region, the central region, the northeast region, the Merrimack Valley, the metro
367 west region, the Greater Boston region, and the southeast region. Of those 14 appointees, at least
368 3 shall be microbusiness owners or representatives of microbusiness owners in underserved
369 communities or communities with a high percentage of low-income households, at least 3 shall
370 be minority business owners or representatives of minority business owners in underserved
371 communities or communities with a high percentage of low-income households, and at least 3
372 shall be founders or organizers of platforms, pop-up markets, or other vendor collaboratives
373 serving microbusinesses organized for similar purposes or committed to similar mission
374 outcomes as, for example, CI Works, WeWork, and Top Knots CoWorking, and/or minority

375 businesses organized for similar purposes or committed to similar mission outcomes for
376 advancing equity based on race, color, religious creed, national origin, sex, gender identity,
377 sexual orientation, genetic information, ancestry, disability, or language as, for example,
378 BLK+GRN, the e-commerce platform We Buy Black, and the Black-Owned Market.
379 Commission members shall be persons with demonstrated interests and experience in advancing
380 the interests of microbusinesses and/or minority businesses, and their owners. All persons
381 appointed to the commission shall be selected without regard to political affiliation and solely on
382 the basis of the qualifications and experience that the appointing authorities determine are
383 necessary to fulfilling the mission of the commission, and shall as fully as possible represent a
384 diverse and equitable array of stakeholders.

385 (c) Members of the commission may serve a maximum of 3 consecutive 3-year terms. A
386 vacancy occurring on the commission shall be filled within 90 days by the original appointing
387 authority. A person appointed to fill a vacancy shall serve initially only for the balance of the
388 unexpired term. The commission shall annually elect from among its members a chair, a vice
389 chair, and any other officers it considers necessary. The members of the commission shall
390 receive no compensation for their services but shall be reimbursed for any usual and customary
391 expenses incurred in the performance of their duties. Members shall be considered special state
392 employees for the purposes of chapter 268A. Each member of the commission shall be a resident
393 of the commonwealth.

394 (d) The commission shall serve as a research body for issues critical to the welfare and
395 vitality of the commonwealth's microbusinesses and minority businesses and shall: (i) study,
396 review and report on the status of microbusinesses and minority businesses in the
397 commonwealth; (ii) advise the general court and the executive branch of the impact of existing

398 and proposed state laws, policies and regulations on the commonwealth's microbusinesses and
399 minority businesses; (iii) advance legislative and policy solutions that address the needs of the
400 commonwealth's microbusinesses and minority businesses; (iv) advocate to ensure that the
401 commonwealth's microbusinesses and minority businesses receive a fair share of state
402 investment; (v) work with lending institutions, insurance companies, and other private businesses
403 in the commonwealth to encourage formation of seed money and microcredit opportunities for
404 facilitating the starting up and upscaling of microbusinesses and minority businesses in their
405 efforts to obtain loan money and operating capital from private and public lenders; (vi) promote
406 collaboration among the commonwealth's microbusinesses and minority businesses to improve
407 efficiency in delivery of services and other cost efficiencies; and (vii) develop and support access
408 to state resources for the commonwealth's microbusinesses and minority businesses. The
409 executive office shall provide the commission with adequate office space and any research,
410 analysis or other staff support that the commission reasonably requires.

411 (e) The commission shall meet on a quarterly basis at the discretion of the chair. Meeting
412 locations shall rotate between the 7 regions of the commonwealth identified in subsection (b).
413 Meetings shall be open to the public pursuant to sections 18 to 25, inclusive, of chapter 30A.

414 (f) The commission may accept and solicit funds, including any gifts, donations, grants or
415 bequests or any federal funds for any of the purposes of this section. The funds shall be deposited
416 in a separate account with the state treasurer, shall be received by the state treasurer on behalf of
417 the commonwealth and shall be expended by the commission under the law.

418 (g) The commission shall annually, not later than June 2, report the results of its findings
419 and activities of the preceding year and its recommendations to the governor and to the clerks of

420 the senate and the house of representatives who shall forward the same to the joint committee on
421 economic development and emerging technologies.

422 (h) Notwithstanding any general or special law, regulation, policy or procedure to the
423 contrary, microbusinesses shall be exempt from the annual report fees imposed by the state
424 secretary's office, and minority businesses that qualify as microbusinesses shall be exempt from
425 the diversity certification and third-party certification application fees imposed by the supplier
426 diversity office. The state secretary is hereby authorized to promulgate regulations to assure the
427 timely and effective implementation of this subsection.

428 SECTION 9. Chapter 23A of the General Laws is hereby amended by inserting after
429 section 68 the following sections:-

430 Section 69: HÛRE MASS

431 Section 69. (a) MOBD shall establish an entrepreneurial and business skills program to
432 be known as HÛRE MASS, designed to provide entrepreneurial and business skills to residents
433 of the commonwealth who are in the process of acquiring or who possess valuable saleable trade
434 skills, including, but not limited to, hairstylists and barbers, manicurists, aestheticians, massage
435 therapists, electricians, plumbers, and gas fitters, but who lack the knowledge to start or expand
436 their own businesses, in order to raise them to the level where they can start their own
437 businesses, become microbusinesses and eventually scale up to become small businesses and the
438 next generation's employers. Dedicated effort shall be made to encourage diversity and advance
439 equity based on race, color, religious creed, national origin, sex, gender identity, sexual
440 orientation, genetic information, ancestry, disability, and language in the program developed

441 pursuant to the authority conferred in this section, and any successor policies, programs and
442 initiatives related to said program.

443 (b) MOBD shall consult with and engage relevant stakeholders in the commonwealth,
444 including, but not limited to, students, educators and administrators of vocational and technical
445 schools, community colleges, public colleges and universities, and private colleges and
446 universities, participants and administrators of other trade, certification and apprenticeship
447 programs, microbusiness and small business associations and owners, minority business
448 associations and owners, and trade and labor associations, to assist in the development and
449 periodic review of the program and its implementation, including, but not limited to:

450 (1) determining the criteria and processes for participation in HÛRE MASS, whether as a
451 student or educator, to maximize the number and diversity of people served;

452 (2) identifying entrepreneurial and microbusiness development needs and existing
453 resources and services;

454 (3) addressing obstacles for aspiring entrepreneurs and upscaling microbusiness owners
455 in utilizing existing resources and services and exploring methods to simplify, streamline and
456 strengthen the delivery of such resources and services;

457 (4) establishing curricula for HÛRE MASS, with special attention paid to the needs of
458 aspiring entrepreneurs and microbusiness owners for off-hour and accelerated programming,
459 including variants for entrepreneurial and business skills weekend “bootcamps”, to maximize the
460 skills gained and quality of outcomes achieved;

461 (5) engaging voluntary uncompensated and, subject to appropriation, compensated
462 educators and administrators to implement HÛRE MASS;

463 (6) cultivating and promoting public-private partnerships to ensure an enduring HÛRE
464 MASS program;

465 (7) generating toolkits and training videos to be made available through the MassMakers
466 Portal; and

467 (8) developing budget recommendations.

468 MOBD shall hold its first public outreach not more than 60 days after the effective date
469 of this act and shall, to the extent possible, ensure fair representation and input from a diverse
470 and equitable array of stakeholders. MOBD may assemble a task force to effectuate the
471 foregoing, whose members shall serve without compensation.

472 (c) MOBD shall hold as a separate fund and may expend such sums as may be
473 appropriated for HÛRE MASS by the general court, and may accept gifts, donations, grants or
474 bequests or any federal funds for any of the purposes set forth in this section, which shall be
475 credited to the fund. All available money in the fund that is unexpended at the end of each fiscal
476 year shall not revert to the General Fund and shall be available for expenditure by MOBD for
477 HÛRE MASS in the subsequent fiscal year.

478 (d) MOBD shall annually, on or before December 31, file a report with the clerks of the
479 house of representatives and the senate, the house and senate committees on ways and means, the
480 joint committee on economic development and emerging technologies, the joint committee on

481 community development and small businesses, the joint committee on labor and workforce
482 development, and the joint committee on education.

483 (e) MOBD is hereby authorized to promulgate regulations to assure the timely and
484 effective implementation of this section.

485 Section 70: Definitions applicable to Secs. 72 to 74

486 Section 70. As used in sections 72 to 74 of this chapter, the following words shall have
487 the following meanings, unless a contrary intent is clearly indicated:—

488 “Certified business enterprise” and “certified business”, a business certified pursuant to
489 section 74.

490 “Director”, the director of the supplier diversity office.

491 “Disadvantaged business enterprise”, a disadvantaged business enterprise as defined by
492 the United States Department of Transportation in 49 C.F.R. § 26 et seq.

493 “Minority business enterprise” or “MBE”, for the purpose of receipt of services from
494 SDO, a business enterprise that is both owned and controlled by 1 or more socially or
495 economically disadvantaged persons who have invested in an ongoing business free of
496 conversion rights. Such disadvantage may arise from cultural, racial, chronic economic
497 circumstances or background or other similar cause. Such persons include, but are not limited to,
498 minority persons as defined in 425 CMR 2.02(1), or any successor regulation thereto. For
499 purposes of section 74, the term “minority-owned business” shall have the same meaning as
500 “minority business enterprise”.

501 “Office”, the supplier diversity office as established by section 71.

502 “SDO”, the supplier diversity office as designated by section 71. The office shall be the
503 successor to the office of minority and women business assistance and the preceding supplier
504 diversity office within the operational services division of the executive office for administration
505 and finance.

506 “Unified certification program”, the program, whereby the supplier diversity office
507 certifies disadvantaged business enterprises, as required by regulations of the United States
508 Department of Transportation in 49 C.F.R. § 26 et seq.

509 “Veteran business enterprise” or “VBE”, for the purpose of receipt of services from SDO,
510 a business enterprise that is both owned and controlled by 1 or more veterans, as defined in
511 section 7 of chapter 4, who have invested in an ongoing business free of conversion rights. For
512 purposes of section 74, the term “veteran-owned business” shall have the same meaning as
513 “veteran business enterprise”.

514 “Women business enterprise” or “WBE”, for the purpose of receipt of services from
515 SDO, a business enterprise that is both owned and controlled by 1 or more women who have
516 invested in an ongoing business free of conversion rights. For purposes of section 74, the term
517 “women-owned business” shall have the same meaning as “women business enterprise”.

518 Section 71: Supplier diversity office

519 Section 71. There shall be a supplier diversity office which shall be an agency within the
520 executive office of housing and economic development.

521 Section 72: Director of supplier diversity office

522 Section 72. SDO shall have a director and such other specialists as may be authorized.
523 The director shall have all necessary authority to effect the purposes of section 57 of chapter 7
524 and sections 70 to 74 of this chapter, inclusive, and shall have the authority to seek such funds,
525 public or private, as may be available and needed to carry out the intent of those sections.

526 Section 73: Unified Certification Program Trust Fund

527 Section 73. (a) There shall be established a separate account to be known as the Unified
528 Certification Program Trust Fund, in this section called the fund. The director shall expend
529 funds, without further appropriation, exclusively for the operation of the unified certification
530 program.

531 (b) Funds received from the federal government by the following state and regional
532 authorities and municipal and regional airports, in this section collectively referred to as the
533 participants, and any others that take part in the unified certification program, for the purpose of
534 operating the unified certification program, shall be deposited in the fund: the Massachusetts
535 Department of Transportation, the Massachusetts Bay Transportation Authority, the
536 Massachusetts Port Authority, the Berkshire Regional Transit Authority, the Brockton Area
537 Transit Authority, the Cape Cod Regional Transit Authority, the Greater Attleboro-Taunton
538 Regional Transit Authority, the Lowell Regional Transit Authority, the Merrimack Valley
539 Regional Transit Authority, the Montachusett Regional Transit Authority, the Pioneer Valley
540 Regional Transit Authority, the Southeastern Regional Transit Authority, the Worcester Regional
541 Transit Authority, Barnstable Municipal Airport, Martha's Vineyard Airport, Nantucket
542 Memorial Airport and New Bedford Regional Airport. The methodology used in determining the
543 allocation of payments due from each participant shall be determined pursuant to a formula,

544 subject to modification from time to time, that is established by and between the Massachusetts
545 Department of Transportation, the participants and the United States Department of
546 Transportation, consistent with applicable federal laws and regulations.

547 Section 74: Powers and duties of supplier diversity office

548 Section 74. (a) SDO shall adopt regulations and policies for the establishment and
549 management of the office's certification process, including regulations and policies governing
550 the streamlining, approval, denial or revocation of any such certification.

551 (b) SDO shall seek to develop and maintain a directory of certified minority, women and
552 veteran businesses within the commonwealth, and shall, from time to time, notify such
553 businesses of the programs and services available to them, whether from public or private
554 sources, or from local, state or federal agencies. To the extent feasible, SDO shall separately
555 categorize minority businesses pursuant to the categories specified in 425 CMR 2.02(1), or any
556 successor regulation thereto, and shall separately track outcomes of programs and policies under
557 this section with respect to such categories.

558 (c) SDO may establish its own programs and policies and seek from any official or
559 agency of the commonwealth or its political subdivisions, information and assistance necessary
560 to carry out its functions and duties; and all officials, agencies or political subdivisions of the
561 commonwealth shall supply such information or assistance.

562 (d) SDO shall receive assistance from state agencies including, where consistent with
563 existing law, commitments that such agencies do a minimum amount of contracting and
564 subcontracting with minority or women or veteran businesses. SDO shall assist minority, women

565 and veteran businesses in making use of any special programs which may be operated by the
566 state or by various departments and agencies of the federal government.

567 (e) SDO shall coordinate its activities with those of other offices, and shall assist
568 minority, women and veteran businesses in their dealings with federal agencies and with state
569 departments and agencies. SDO shall also provide assistance to all cabinet secretaries and
570 departments, in evaluating economic activities of their offices to determine how their offices may
571 be of assistance in providing fair opportunities for minority, women and veteran businesses.

572 (f) SDO may work with lending institutions, insurance companies, and other private
573 businesses in the commonwealth to encourage the formation of seed money for facilitating the
574 starting-up and expansion of minority, women and veteran businesses. SDO may provide
575 assistance to minority, women and veteran businesses in their efforts to obtain loan money and
576 operating capital from private and public lenders.

577 (g) SDO may seek to increase the amount of financial assistance available to minority,
578 women and veteran businesses from private financial institutions; and may, from time to time,
579 sponsor conferences, workshops or other informational programs.

580 (h) SDO shall seek to encourage voluntary assistance programs by which nonminority,
581 non-women and non-veteran business employees are loaned to minority, women and veteran
582 businesses or by which minority, women and veteran business persons are taken into viable
583 business ventures to acquire training and experience in managing business affairs.

584 (i) SDO may encourage state contract awarding authorities to seek to increase the
585 incidence of joint ventures between nonminority state contractors and minority, women and
586 veteran contractors, by specifically pointing out that such arrangements would constitute one

587 method of partially meeting affirmative action requirements imposed upon both nonminority
588 state contractors and the state. The director of affirmative action shall be kept informed of
589 actions taken under this provision. SDO shall follow advertisements for construction work by
590 public bodies in the commonwealth, shall notify minority, women and veteran general
591 contractors and subcontractors of the bid opening dates for the approximate amount of the
592 contract and subcontract work being bid, may assist them in securing bonds and in bidding for
593 that construction work and shall initiate a program to help qualified minority persons, women
594 and veterans to get started as small business firms in the construction field by helping to arrange
595 joint ventures with qualified general contractors and subcontractors and by arranging for
596 administrative and accounting assistance to help them carry out their subcontract and general
597 contract obligations during the period of contract performance.

598 (i ½) SDO shall promulgate regulations to encourage and facilitate participation on public
599 projects for service-disabled veteran-owned small businesses interested in and capable of
600 providing construction and design services on public construction and design projects. For the
601 purposes of this subsection, “service-disabled veteran-owned small business” shall mean a
602 business that is verified by the federal government's Department of Veterans Affairs pursuant to
603 the Veterans Benefits, Health Care, and Information Technology Act of 2006, Pub. L. 109–461,
604 and determined to be a service-disabled veteran-owned small business concern in accordance
605 with 38 CFR Part 74 and Pub. L. 111–275.

606 (i ¾) SDO shall, every 3 years and in consultation with the department of veterans’
607 services, establish goals for participation of service-disabled, veteran-owned business enterprises
608 in all areas of state procurement contracting, including contracts for public construction, design
609 services and commodities and service. In calculating such goals, the director shall base the

610 determination on an understanding of the pool of service-disabled, veteran-owned business
611 enterprises available for participation.

612 (j) SDO shall submit an annual report to the general court on the minority, women and
613 veteran businesses which it assists, the type of services which it renders, the difficulties it
614 encounters. The report may include recommendations for legislative or executive action.

615 (k) SDO shall, after notice and an opportunity to be heard, impose administrative
616 penalties on an applicant for certification or recertification that knowingly provides false or
617 misleading information on its application or in support of its application for certification or
618 recertification as a minority- or women- or veteran-owned business, or on a person who fails to
619 comply with any provision of any regulation or approval issued or adopted by the agency or of
620 any law which the agency has the authority or responsibility to enforce.

621 (k ½)(1) SDO shall have oversight and enforcement authority over the performance of
622 contracts awarded to nonminority state contractors who enter into joint ventures with minority or
623 women or veteran contractors or subcontractors for the purpose of partially meeting affirmative
624 action requirements imposed upon both nonminority state contractors and the state, with respect
625 to the participation of such minority or women or veteran contractors or subcontractors in the
626 performance of such contracts.

627 (2) SDO shall, after notice and an opportunity to be heard, have the authority to impose a
628 minimum 5-year ban on awarding contracts to nonminority state contractors who enter into joint
629 ventures with minority or women or veteran contractors or subcontractors for the purpose of
630 partially meeting affirmative action requirements imposed upon both nonminority state
631 contractors and the state but who, after being awarded such contract, willfully terminate such

632 joint venture or willfully do not fulfill the requirements of such joint venture with respect to the
633 participation of such minority or women or veteran contractors or subcontractors without being
634 granted a waiver by the director pursuant to subsection (p), and such other administrative or
635 financial penalties as the director may deem appropriate. The director of affirmative action shall
636 be kept informed of actions taken under this provision.

637 (l) The director shall consult with the commissioner of capital asset management and
638 maintenance on the establishment of an affirmative marketing program pursuant to section 6 of
639 chapter 7C. The affirmative marketing program shall be established for the purpose of ensuring
640 the fair participation of minority-owned and women-owned businesses on capital facility projects
641 and state assisted building projects. The affirmative marketing program shall establish
642 participation goals for minority-owned and women-owned business on capital facility projects
643 and state assisted building projects. Participation goals for minority-owned business and women-
644 owned business shall be based upon the broadest and most inclusive pool of available minority-
645 owned businesses and women-owned businesses interested in and capable of performing
646 construction work and design services on such capital facility projects and state assisted building
647 projects. The director and the commissioner of capital asset management and maintenance shall
648 meet on a quarterly basis to determine the status of implementation of the affirmative marketing
649 program and what further steps both agencies deem necessary to achieve the purposes of section
650 6 of chapter 7C and this subsection. For purposes of this subsection, the terms “capital facility
651 project” and “state assisted building project” shall have the same meanings as found in section 6
652 of chapter 7C.

653 (m) In connection with the affirmative marketing program established pursuant to section
654 6 of chapter 7C, SDO shall regularly review and, where necessary, modify its certification

655 process to ensure that it operates effectively, and shall report annually to the secretary of the
656 executive office of housing and economic development and the secretary of the executive office
657 for administration and finance regarding these matters.

658 (n) SDO shall be responsible for the overall management, monitoring, and enforcement
659 of the affirmative marketing program as it relates to minority-owned and women-owned business
660 participation on state assisted building projects. The director may appoint a program director to
661 assist in program development, coordination of program operations and compliance with
662 program goals and objectives. The program director shall also have responsibility for monitoring
663 compliance regarding minority-owned and women-owned business participation on state assisted
664 building projects, addressing program violations and coordinating enforcement activities.

665 (o) The director shall develop a written procedure by which participation goals, for an
666 individual state assisted building project, may be adjusted for minority-owned businesses,
667 women-owned businesses or both; but, the adjustment shall be based upon the actual availability
668 of minority-owned businesses and women-owned businesses, the geographic location of the
669 project, the scope of work of the capital facility project or other relevant factors.

670 (p) The director shall develop a written waiver procedure by which, at any time before
671 the award of a contract, it may be determined that compliance with the participation goals is not
672 feasible and by which the participation goals on a state assisted building project may be reduced
673 or waived. Waiver shall be granted only upon a showing that good faith efforts have been made
674 to comply with the participation goals.

675 (q) The director and the commissioner of capital asset management and maintenance
676 shall by March 15 of each year submit to the joint committee on state administration and

677 regulatory oversight, the senate committee on ways and means, the house committee on ways
678 and means, the clerk of the house, and the clerk of the senate a report on the performance of the
679 affirmative marketing program for the preceding year. The report shall, at a minimum, show the
680 name and address of each such minority-owned business and women-owned business, its
681 designation as a minority-owned or women-owned business, the contract or subcontract price, a
682 description of the work performed on the contract by class of work, and project type, and shall
683 show separately the total number of contracts awarded to minority-owned and women-owned
684 businesses as a percentage of the total number of contracts awarded and as a percentage of the
685 total contract price.

686 (r) The director shall adopt regulations necessary to implement this subsection.

687 (s) The SDO shall, every 2 years and in consultation with the Massachusetts Office on
688 Disability, establish goals for participation of individuals with disabilities in all areas of state
689 procurement contracting. Participation goals may be met by contracting or subcontracting with
690 businesses that hire, or identify and recruit with the intent to hire, qualified applicants with
691 disabilities. SDO shall provide assistance to the executive offices in determining opportunities
692 for contracting with businesses that hire persons with disabilities to meet the participation goal
693 set forth in this paragraph, including contractors and subcontractors providing goods and services
694 under multi-year contracts or grants funded by agencies within the executive offices.

695 SDO shall file an annual report with the clerks of the house of representatives and the
696 senate on or before October 31 on the progress made toward meeting the participation goal set
697 forth in this paragraph

698 SECTION 10. Chapter 30A of the General Laws is hereby amended by striking out
699 section 5A and inserting in place thereof the following section:-

700 Section 5A: Review of rules and regulations regarding economic impact on
701 microbusinesses and small businesses

702 Section 5A. Existing rules and regulations shall be reviewed by each agency
703 contemporaneously with the development of the written comprehensive economic development
704 policy for the commonwealth and the strategic plan for implementing the policy during the first
705 year of each new gubernatorial administration required pursuant to subsection (l) of section 16G
706 of chapter 6A, which review shall be completed no later than June 30 of that year in order to
707 inform said economic development policy, or 5 years from the date last reviewed, whichever
708 occurs first, to ensure that those rules and regulations minimize economic impact on
709 microbusinesses and small businesses in a manner consistent with the stated objectives of
710 applicable statutes.

711 In reviewing a rule or regulation to minimize economic impact of the rule or regulation
712 on microbusinesses and small businesses, the agency shall file a business impact statement which
713 considers the following factors and any impact differentials between microbusinesses and small
714 businesses that are not microbusinesses:

715 (1) the continuing need for the rule or regulation;

716 (2) the nature of complaints or comments received concerning the rule or regulation from
717 the public;

718 (3) the complexity of the rule or regulation;

719 (4) the extent to which the rule or regulation overlaps, duplicates or conflicts with other
720 federal, state and local governmental rules and regulations;

721 (5) the length of time since the rule or regulation has been enacted, changed, amended or
722 modified; and

723 (6) the degree to which technology, economic conditions or other factors have changed in
724 the subject areas affected by the rule or regulation.

725 SECTION 11. Section 6 of chapter 30B of the General Laws is hereby amended by
726 striking out subsection (b) and inserting the following subsection:-

727 (b) The chief procurement officer shall solicit proposals through a request for proposals.
728 The request for proposals shall include:

729 (1) the time and date for receipt of proposals, the address of the office to which the
730 proposals are to be delivered, the maximum time for proposal acceptance by the governmental
731 body;

732 (2) the purchase description and all evaluation criteria that will be utilized pursuant to
733 paragraph (e);

734 (3) a requirement for a diversity and inclusion plan which shall be considered alongside
735 traditional criteria when evaluating bids; and

736 (4) all contractual terms and conditions applicable to the procurement provided that the
737 contract may incorporate by reference a plan submitted by the selected offeror for providing the
738 required supplies or services.

739 The request for proposals may incorporate documents by reference; provided, however,
740 that the request for proposals specifies where prospective offerors may obtain the documents.
741 The request for proposals shall provide for the separate submission of price, and shall indicate
742 when and how the offerors shall submit the price. The chief procurement officer shall make
743 copies of the request for proposals available to all persons on an equal basis.

744 SECTION 12. This Act shall take effect on January 1, 2021.

745 SECTION 13. Sections 3 and 11 shall only apply to requests for proposals proffered on
746 or after the effective date of this Act.