

**HOUSE . . . . . No. 3237**

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**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:     | DATE ADDED:      |
|------------------------|-----------------------|------------------|
| <i>Chynah Tyler</i>    | <i>7th Suffolk</i>    | <i>2/3/2021</i>  |
| <i>Vanna Howard</i>    | <i>17th Middlesex</i> | <i>2/19/2021</i> |
| <i>Orlando Ramos</i>   | <i>9th Hampden</i>    | <i>2/24/2021</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i>   | <i>2/26/2021</i> |

**HOUSE . . . . . No. 3237**

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 3237) of Chynah Tyler and others relative to equity of bidders for public agency contracts and subcontracts. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2792 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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 or African American, Hispanic or  
9 Latino, Asian or Native American.

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.