

HOUSE No. 3770

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2442) of the House Bill financing the reconstruction of the Soldiers' Home in Holyoke (House, No. 3701), reports recommending passage of the accompanying bill (House, No. 3770).

Joseph F. Wagner	Cindy F. Friedman
Danielle W. Gregoire	Paul R. Feeney

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

An Act financing the reconstruction of the Soldiers' Home in Holyoke.

1 *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to
2 provide forthwith for the immediate capital improvement needs of the commonwealth, therefore
3 it is hereby declared to be an emergency law, necessary for the immediate preservation of the
4 public convenience.

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

5 SECTION 1. To provide for a program to protect, repair and improve the capital facilities
6 of the commonwealth and for a program of capital asset acquisitions, dispositions and other
7 improvements for general government operations, the sum set forth in section 2 for the several
8 purposes and subject to the conditions specified in this act is hereby made available, subject to
9 the laws regulating the disbursement of public funds. The sum made available in this act shall be
10 in addition to any other amounts previously appropriated for these purposes.

11 SECTION 2.

12 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

13 Division of Capital Asset Management and Maintenance

14 4000-2026 For costs associated with planning and studies, dispositions, acquisition of
15 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
16 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79

17 of the General Laws, for the preparation of plans and specifications, repairs, renovations,
18 improvements, modernization, construction, reconstruction, furnishing, equipping, acquiring,
19 remodeling, refurbishing, asset management, accessibility improvements, demolition, disposition
20 and remediation of facilities and grounds operated by the various departments within the
21 executive office of health and human services, all as the commissioner of capital asset
22 management and maintenance, in consultation with the secretary of health and human services
23 and the appropriate commissioners of the departments within the executive office, shall consider
24 appropriate; provided, that \$400,000,000 shall be expended for the design and construction of a
25 new facility for the Soldiers' Home in Holyoke to replace the existing Soldiers' Home facility;
26 provided further, that costs payable from this item shall include, but not be limited to, the costs of
27 leases of temporary relocation space or equipment as required for completion of the project;
28 provided further, that costs payable from this item may include facilities for additional Adult
29 Day Health programming on the site; provided further, that design and construction of the new
30 facility shall strive to achieve the "small house" model design, as defined in the Small House
31 Model Design Guide published by the United States Department of Veterans Affairs; provided
32 further, that federal reimbursements received for the new facility shall be used to reduce the
33 amount of bonds issued and sold by the commonwealth for this item, so that the amount of
34 federal reimbursements and bonded funds for this item shall total not more than \$400,000,000 in
35 the aggregate; provided further, that any federal reimbursement received by a state agency
36 including, but not limited to, the project related to providing health care, human services and
37 veterans' services in connection with projects funded from this item may be retained by the
38 executive office for administration and finance and expended for the purposes of the project,
39 without further appropriation, in addition to the amounts appropriated in this item; provided
40 further, that the executive office for administration and finance shall report on any such federal
41 reimbursement to the joint committee on veterans and federal affairs and the house and senate
42 committees on ways and means not less than 15 days after receipt of the reimbursement; and
43 provided further, that if the application for federal reimbursement for this item is not approved,
44 bonds shall not be issued or sold for this item until federal reimbursement is
45 secured.....\$400,000,000

46 4000-2027 For costs associated with increasing geographic equity and accessibility
47 related to the continuum of long-term care services for the commonwealth’s veterans not
48 primarily served by the Soldiers’ Home in Massachusetts located in the city of Chelsea or the
49 Soldiers’ Home in Holyoke, including the establishment of regional or satellite veterans’ homes
50 as well as new or expanded supports for community-based care services and home-based care
51 services.....\$200,000,000

52 SECTION 3. To carry out the purposes of this act, the commissioner of capital asset
53 management and maintenance may, notwithstanding sections 32 to 37, inclusive, of chapter 7C
54 of the General Laws or any other general or special law to the contrary, acquire, by purchase,
55 lease or leaseback for a term, including any extensions, not to exceed 50 years, gift or other
56 transfer, or by eminent domain under chapter 79 of the General Laws, any interests in land and
57 buildings considered necessary by the commissioner to carry out the purposes of this act
58 including, but not limited to, easements for drainage, access, utilities and environmental
59 mitigation, and may grant and retain such easements and interests as considered necessary by the
60 commissioner to carry out the purposes of this act.

61 SECTION 4. Annually, not later than December 31, and until the completion of the new
62 facility for the Soldiers’ Home in Holyoke, the department of veterans’ services, in consultation
63 with the division of capital asset management and maintenance, shall file a report on the
64 construction of the new facility. The report shall include, but not be limited to: (i) a brief, current
65 description of the project and any substantial changes in the description of the project during the
66 previous year; (ii) the state of progress of the project; (iii) a summary of the total and major costs
67 of the project as originally estimated and as currently expended or currently estimated to be
68 expended; (iv) the original project schedule and the current and estimated schedule and progress
69 of the project; and (v) identification of the designers and contractors who have contracted to
70 provide materials or services for the new facility, including how the designers and contractors
71 meet any applicable participation goals for minority and women workers. The report shall be
72 filed with the clerks of the senate and house of representatives, the joint committee on veterans
73 and federal affairs and the house and senate committees on ways and means.

74 SECTION 5. (a) The funds authorized by item 4000-2026 of section 2 for the
75 construction of a new facility for the Soldiers' Home in Holyoke that is sufficiently extensive in
76 size, complexity and duration to replace the existing Soldiers' Home facility shall be expended in
77 accordance with the following conditions:

78 (i) sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall
79 apply to all contracts for the project; and

80 (ii) all construction employees employed in the construction of the project shall be paid
81 not less than the wage rate established for the work pursuant to a project labor agreement with
82 the appropriate labor organization that shall include: (A) a uniform grievance and arbitration
83 procedure for the resolution of work-related disputes on job sites; (B) mutually agreeable
84 uniform work rules and schedules for the project; (C) an obligation for any labor organization
85 and its constituent members not to strike with respect to work on the project; (D) participation
86 goals of minority, veteran and women workers to be employed on each contract and the
87 processes and procedures to ensure compliance with those workforce participation goals,
88 including, but not limited to, a requirement to employ a sufficient number of apprentices to allow
89 for the training and employment of individuals who would not otherwise qualify for employment
90 on the project, the establishment of an access, inclusion and diversity committee and the
91 reporting and enforcement requirements of paragraph (G) of subsection 2 of section 44A of said
92 chapter 149; and (E) an agreement to facilitate the entry of interested veterans into the building
93 and construction trades by designating an entity or organization to serve as a resource for
94 preliminary orientation, apprenticeship programs and other needs, as mutually agreeable, to
95 foster veteran employment opportunities.

96 (b) The access, inclusion and diversity committee shall meet publicly not less than
97 monthly to implement and monitor diversity, inclusion workforce and enterprise goals. The
98 committee shall receive regular reports from the project owner and all contractors and
99 subcontractors regarding work hours, diversity, inclusion and progress toward the participation
100 goals for minority, women and veteran workers employed as set forth in the agreement. The
101 committee shall review reports describing: (i) the number of contracts; (ii) total dollar amounts
102 contracted with and actually paid to minority business enterprises, veteran business enterprises

103 and women business enterprises, as those terms are defined in section 58 of chapter 7 of the
104 General Laws, for design and construction of the Soldiers' Home in Holyoke; (iii) the total
105 number and value of all subcontracts awarded to minority business enterprises, veteran business
106 enterprises and women business enterprises ; and (iv) a comparison of these reports with the
107 goals established by the division of capital asset management and maintenance, in consultation
108 with the committee. The committee shall regularly assess progress and identify any obstacles to
109 successfully achieving inclusion of socially and economically disadvantaged workers and
110 businesses in the design and construction opportunities associated with this project and shall
111 make related recommendations to the division on how to overcome such obstacles and increase
112 the level of minority, women, and veteran workers employed on the project and minority
113 business enterprise, veteran business enterprise and women business enterprise participation as
114 contractors and subcontractors for the project. The committee may participate in public forums
115 and other educational or outreach activities designed to inform the general public about the
116 project as determined by the division. The committee shall consist of: 1 member appointed by
117 the governor, who shall serve as chair; the deputy chief of the office of access and opportunity or
118 a designee; the executive director of the supplier diversity office or a designee; the secretary of
119 veterans' services or a designee; the secretary of labor and workforce development or a designee;
120 and 14 members appointed by the commissioner of the division of capital asset management and
121 maintenance, 2 of whom shall be representatives of the city of Holyoke as recommended by the
122 mayor of the city of Holyoke, 2 of whom shall be representatives of the union trades working on
123 the project as recommended by the Massachusetts Building Trades Council, 2 of whom shall be
124 representatives of contractors as recommended by an established trade organization in the
125 commonwealth, 2 of whom shall be representatives of minority business enterprises and women
126 business enterprises with a demonstrated track record of advancing diversity, equity and
127 inclusion, 2 of whom shall be representatives of an advocacy organization focused on diversity
128 and equity with a demonstrated track record of advancing diversity, equity and inclusion, 2 of
129 whom shall be representatives of organizations that promote the advancement and equity of
130 women as recommended by the Massachusetts commission on the status of women and 2 of
131 whom shall be representatives of organizations that promote the wellbeing of veterans as

132 recommended by the Disabled American Veterans of Massachusetts. Notwithstanding any
133 requirement that certain committee members shall not be named until contracts for the project
134 are signed, the committee shall hold its first meeting not later than 90 days after the passage of
135 this act and shall continue to meet as a full committee until such time as said members are
136 appointed. The division of capital asset management and maintenance shall provide
137 administrative support to the committee as appropriate.

138 (c) The division of capital asset management and maintenance, in consultation with the
139 executive office of labor and workforce development, shall conduct pre-apprentice recruitment
140 and other pipeline programming, with a goal of reaching underserved communities, to facilitate
141 compliance with goals for minority and women workers and to promote veteran employment on
142 the project. The division may contract with entities or organizations to facilitate such recruitment
143 and pipeline programming.

144 (d) The division of capital asset management and maintenance, in consultation with the
145 access, inclusion and diversity committee, shall set participation goals for minority business
146 enterprises, veteran business enterprises and women business enterprises, as those terms are
147 defined in section 58 of chapter 7 of the General Laws, contracting on the project. The division,
148 in consultation with the access, inclusion and diversity committee and the Massachusetts Growth
149 Capital Corporation, shall: (i) conduct outreach and recruitment, prior to the issuance of
150 invitations for bids and requests for proposals of bids, to facilitate the certification and
151 participation of minority business enterprises, veteran business enterprises and women business
152 enterprises based in the commonwealth; (ii) make available technical assistance grants to be used
153 by socially and economically disadvantaged businesses, which may include, but shall not be
154 limited to, minority business enterprises, veteran business enterprises and women business
155 enterprises to facilitate participation in the bid process; (iii) consider programs and incentives for
156 contractors that meet or exceed goals, including, but not limited to, a “quick-pay” program to
157 expedite payment and working capital and offerings from the Massachusetts Growth Capital
158 Corporation. Prior to issuing invitations for bids and requests for proposals and again after bids
159 are awarded, the division shall file a comprehensive report that outlines the steps taken by the
160 division to recruit and certify minority business enterprises, veteran business enterprises and

161 women business enterprises and the progress in meeting contractor and business enterprise goals
162 with the clerks of the house of representatives and senate and with the access, inclusion and
163 diversity committee.

164 (e) There shall be no precondition to the award of a contract that a bidder has previously
165 entered into a collective bargaining agreement with a labor organization; provided, however, that
166 the bidder shall be willing to execute and comply with the project labor agreement for the project
167 if it is awarded a contract for the designated project.

168 (f) Any bidder that has a demonstrated record of failure to achieve a workforce or
169 subcontracting diversity goal on a project for the commonwealth shall not be a suitable bidder to
170 receive an award of a contract on the project described in this act.

171 SECTION 6. To meet the expenditures necessary in carrying out item 4000-2026 of
172 section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the
173 commonwealth in an amount to be specified by the governor, from time to time, but not
174 exceeding, in the aggregate, \$400,000,000. All such bonds issued by the commonwealth shall be
175 designated on their face, Holyoke Soldiers' Home Capital Improvement Act of 2021, and shall
176 be issued for a maximum term of years, not exceeding 30 years, as recommended by the
177 governor to the general court pursuant to section 3 of Article LXII of the Amendments to the
178 Constitution. The bonds shall be payable not later than June 30, 2056. All interest and payments
179 on account of principal on these obligations shall be payable from the General Fund. Bonds
180 issued under this section and interest thereon shall be general obligations of the commonwealth.

181 SECTION 7. To meet the expenditures necessary in carrying out item 4000-2027 of
182 section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the
183 commonwealth in an amount to be specified by the governor, from time to time, but not
184 exceeding, in the aggregate, \$200,000,000. All such bonds issued by the commonwealth shall be
185 designated on their face, Veterans Homes Capital Improvement Act of 2021, and shall be issued
186 for a maximum term of years, not exceeding 30 years, as recommended by the governor to the
187 general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The
188 bonds shall be payable not later than June 30, 2056. All interest and payments on account of

189 principal on these obligations shall be payable from the General Fund. Bonds issued under this
190 section and interest thereon shall be general obligations of the commonwealth.