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March 15, 2022

Michael D. Hurley
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Steven T. James
House Clerk
State House, Room 145
Boston, MA 02133

Michael Rodrigues, Chair
Senate Committee on Ways & Means
State House, Room 212
Boston, MA 02133

Aaron Michlewitz, Chair
House Committee on Ways & Means
State House, Room 243
Boston, MA 02133

Re: Status Report –Section 75(c) of Chapter 102 of the Acts of 2021- Business Participation Goals

Honorable Clerk of the Senate, Clerk of the House, Senate Ways and Means Committee Chair and members, and House Ways and Means Committee Chair and members,

Pursuant to section 75(c) of Chapter 102 of the Acts of 2021 - An Act Relative to Immediate Covid-19 Recovery Needs ("Act"), I write to provide a status report with respect to the establishment of minority business enterprise ("MBE") and women business enterprise ("WBE") participation goals applicable to capital facility and state assisted building projects that utilize federal funds appropriated under the Act.

The Division of Capital Asset Management and Maintenance ("DCAMM") attended the March 2, 2022 meeting of the Federal Funds Equity and Accountability Review Panel ("Panel") established under section 74 of the Act. In its meeting with the Panel, DCAMM provided information and instruction regarding the distinction between (i) overall annual MBE and WBE participation goals across agency spending, against which overall performance can be measured and reported, and (ii) individual project-specific goal setting which is tailored to the scopes of work and project specific factors of an individual project.

At the March 2nd Panel meeting, DCAMM staff also gave a presentation to Panel members. DCAMM's presentation included a brief history of the Commonwealth's long standing Affirmative Marketing Program for MBE and WBE participation on public building projects, which has enabled and ensured MBE and WBE participation on DCAMM's major public building projects for over 35 years. DCAMM also briefed the Panel on legal requirements associated with MBE and WBE goals applicable to public building construction projects; and the necessity for such goals to be based on a foundation of statistical data on the availability of MBEs and WBEs. As reported to the Panel, DCAMM retained a nationally recognized firm and undertook such a study, which was issued in 2017.

DCAMM will develop overall annual MBE and WBE participation goals, across all spending authorized under the Act on public building projects, within the next two months and will consult with the Panel to finalize as soon as the Panel's schedule allows thereafter. DCAMM also anticipates providing technical assistance to other public awarding authorities receiving funding under the Act, advising with regards to the development of project-specific MBE and WBE participation goals for their individual public building projects (in collaboration with the Supplier Diversity Office) and monitoring and reporting obligations under c. 7C, s.6.

DCAMM will report back to the Senate and House Clerks and to Senate Ways and Means and House Ways and Means with the finalized overall annual MBE and WBE participation goals applicable across overall spending following its consultation with the Panel.



Carol W. Gladstone
Commissioner

cc: Federal Funds Equity and Accountability Review Panel