

By Ms. Pines, a petition (accompanied by bill, Senate, No. 1417) of Lois G. Pines, Barbara Gardner and Eleanor Myerson for legislation relative to the prevention of discrimination against women contractors with the Commonwealth of Massachusetts. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT RELATIVE TO THE PREVENTION OF DISCRIMINATION AGAINST WOMEN CONTRACTORS WITH THE COMMONWEALTH OF MASSACHUSETTS.

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

1 The General Laws chapter 23A shall be amended by deleting
2 the first sentence of section 44(3) and substituting therein:

3 SOMWBA shall assist state agencies in their efforts to award
4 ten per cent of their contracts for supplies and services to women
5 business enterprises and ten per cent to minority business
6 enterprises and "minority-owned businesses" as defined in section
7 40 and consistent with the terms "women-owned business" as used
8 in chapter 7 section 40N.

9 The General Laws chapter 7 section 40N is amended as follows:

10 The deputy commissioner will reserve no less than ten per cent
11 of the estimated construction cost of each capital facility profit
12 for minority-owned businesses and no less than ten per cent for
13 women-owned businesses, except as follows:

14 (1) A greater percentage shall be reserved to reflect the
15 percentage of the women and minority populations within the
16 standard metropolitan statistical or labor market areas in which
17 the capital facility is located; to reflect the numbers of minority-
18 owned and women-owned businesses available to perform work
19 on a project; or to achieve the specific annual dollars value
20 reserved for minority-owned or women-owned businesses.

21 The General Laws chapter 7 section four shall be amended by
22 adding the following new subsection after subsection (3).

23 (4) The responsibility of all state agencies to ensure that at least
24 ten per cent of the total dollar value of contracts for supplies and
25 equipment and contracts for services let in each fiscal year are
26 awarded to women's business enterprises as defined in chapter 7
27 section 40N. The Secretary, in consultation with the Oversight
28 Committee, shall determine to what extent the requirements
29 regarding supplies and equipment and services could be adjusted
30 upward until a ten per cent requirement is reached.

31 The General Laws chapter 23A, section 44 is further amended
32 by adding at the end of that section the following:

33 (10) When a state agency informs SOMWBA that a certified
34 MBE or WBE has not performed work designated for it under
35 a set-aside program, SOMWBA shall promptly investigate and
36 report its findings to the Inspector General and to the referring
37 agency. In lieu of performing such investigation, SOMWBA may
38 refer the matter to the Inspector General for his investigation.
39 Nothing in this paragraph is intended to detract from any pre-
40 existing authority of SOMWBA or any other state agency to
41 investigate or take action in such cases.