

Accompanying the third recommendation of the Executive Office of Communities and Development (House, No. 29). Housing and Urban Development.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO PUBLIC HOUSING CONSTRUCTION CONTRACTS.

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

1 Chapter 121B of the General Laws, as appearing in the 1986
2 Official Edition, is hereby amended by adding the following
3 section: —

4 Section 29A. The secretary of communities and development,
5 with the cooperation and approval of the state office of minority
6 business assistance (SOMBA) established by section forty-one of
7 chapter twenty-three A, shall, at such times as the secretary and
8 SOMBA shall determine, establish a specific dollar value of con-
9 tracting and subcontracting work for all low rent housing projects
10 receiving financial assistance from the department which shall be
11 reserved for minority-owned businesses and women-owned busi-
12 nesses, as defined in section forty N of chapter seven. The total
13 specific dollar value reserved for minority-owned businesses under
14 this section shall not constitute less than seven per cent of the value
15 of the contracts awarded on low rent housing projects during such
16 period as the secretary and SOMBA determine. The total specific
17 dollar value when established shall be binding on both the depart-
18 ment and SOMBA; both agencies are required to cooperate and
19 take whatever steps they jointly deem necessary to implement the
20 requirements of this section. The secretary and the director of
21 SOMBA shall meet on a quarterly basis to determine what portion
22 of the total specific dollar value reserved for minority-owned and
23 women-owned business has already been awarded to such busi-
24 nesses and what further steps both agencies deem necessary to
25 achieve the purpose of this section.

26 The secretary will reserve seven percent of the estimated con-
27 struction cost of low rent housing projects receiving financial
28 assistance under this chapter for minority-owned businesses, and
29 three percent for women-owned businesses, except as follows: —

30 (1) A greater percentage may be reserved to reflect the percent-
31 age of the minority population within the standard metropolitan
32 statistical or labor market area in which the low rent housing
33 project is located; to reflect the numbers of minority-owned or
34 women-owned business available to perform work on a project;
35 or to achieve the specific dollar value reserved for minority-owned
36 or women-owned businesses.

37 (2) If because of the size, nature, or location of a particular low
38 rent housing project, it is not feasible to reserve a minimum of
39 ten percent for minority-owned and women-owned businesses, the
40 secretary may reserve a lesser portion of work for minority-owned
41 or women-owned businesses or waive the participation require-
42 ments on that particular project.

43 SOMBA may hold any project for up to thirty days for review,
44 before bid specifications are made public, if it believes that the
45 size, nature, or location of the project does not justify a reduction
46 in the women or minority business set-aside below their mandated
47 minimums.

48 No portion of contracting or subcontracting work reserved for
49 minority-owned businesses under the provisions of this section
50 shall be awarded to any women-owned business not meeting the
51 requirements of a minority-owned business under this section; nor
52 shall any portion of contracting and subcontracting work reserved
53 for women-owned business under the provisions of this section
54 be awarded to any minority-owned business not meeting the re-
55 quirements of a women-owned business under this section.

56 The secretary with the cooperation and approval of SOMBA
57 shall develop contract specifications, terms, conditions, and lan-
58 guage and shall take such administrative steps necessary to carry
59 out the purposes of this section.