

Amendment ID: S2439-1-R1

Redraft Amendment 1

PLA PLUS

Messrs. Feeney, Timilty, Crighton and Brady, Ms. Gobi, Mr. Eldridge, Ms. Rausch, Ms. Moran, Ms. Friedman, Mr. Cronin, Ms. DiZoglio, Ms. Jehlen, Ms. Comerford, Messrs. Collins, Lesser, Cyr, Pacheco, Montigny and DiDomenico move that the proposed new text be amended by adding the following section:-

“SECTION 6. (a) The funds authorized by item 4000-2026 of section 2 for the construction of a new facility for the Soldiers’ Home in Holyoke that is sufficiently extensive in size, complexity and duration to replace the existing Soldiers’ Home facility shall be expended in accordance with the following conditions:

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

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

(b) The access, inclusion and diversity committee shall meet publicly not less than monthly to implement and monitor diversity, inclusion workforce and enterprise goals. The committee shall receive regular reports from the project owner and all contractors and subcontractors regarding work hours, diversity, inclusion and progress toward the participation goals for minority, women and veteran workers employed as set forth in the agreement. The committee shall review reports describing: (i) the number of contracts; (ii) total dollar amounts contracted with and actually paid to MBE, WBE and VBE, as defined by section 58 of chapter 7 of the General Laws, for design and construction of the Soldier's Home in Holyoke; (iii) the total number and value of all subcontracts awarded to MBE, WBE and VBE; and (iv) a comparison of these reports with the goals established by the division of capital asset management and maintenance, in consultation with the committee. The committee shall regularly assess progress and identify any obstacles to successfully achieving inclusion of socially and economically disadvantaged workers and businesses in the design and construction opportunities associated with this project and shall make related recommendations to the division on how to overcome such obstacles and increase the level of minority, women, and veteran workers employed on the project and MBE, WBE and VBE participation as contractors and subcontractors for the project. The committee may participate in public forums and other educational or outreach activities designed to inform the general public about the project as determined by the division. The committee shall consist of: 1 member appointed by the governor who shall serve as chair; the deputy chief of the office of access and opportunity or a designee; the executive director of the supplier diversity office or a designee; the secretary of the department of veterans' services or a designee; the secretary of the executive office of labor and workforce development or a designee; and 14 members appointed by the division of capital asset management and maintenance, 2 of whom shall be representatives of the city of Holyoke as recommended by the mayor of the city of Holyoke, 2 of whom shall be representatives of the union trades working on the project as recommended by the Massachusetts Building Trades Council, 2 of whom shall be representatives of contractors as recommended by an established trade organization in the commonwealth, 2 of whom shall be representatives of WBE and MBE with a demonstrated track record of advancing diversity, equity and inclusion, 2 of whom shall be representatives of an advocacy organization focused on diversity and equity

with a demonstrated track record of advancing diversity, equity and inclusion, 2 of whom shall be representatives of organizations that promote the advancement and equity of women as recommended by the Massachusetts commission on the status of women and 2 of whom shall be representatives of organizations that promote the wellbeing of veterans as recommended by the Disabled American Veterans of Massachusetts. Notwithstanding any requirement that certain committee members shall not be named until contracts for the project are signed, the committee shall hold its first meeting not later than 90 days after the passage of this act and shall continue to meet as a full committee until such time as said members are appointed. The division of capital asset management and maintenance shall provide administrative support to the committee as appropriate.

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

(d) The division of capital asset management and maintenance, in consultation with the access, inclusion and diversity committee, shall set participation goals for MBE, WBE and VBE, as defined by section 58 of chapter 7 of the General Laws, contracting on the project. The division, in consultation with the access, inclusion and diversity committee and the Massachusetts Growth Capital Corporation, shall: (i) conduct outreach and recruitment, prior to the issuance of invitations for bids and requests for proposals of bids, to facilitate the certification and participation of MBE, WBE and VBE based in the commonwealth; (ii) make available technical assistance grants to be used by socially and economically disadvantaged businesses, which may include, but shall not be limited to, MBE, WBE and VBE to facilitate participation in the bid process; (iii) consider programs and incentives for contractors that meet or exceed goals, including, but not limited to, a “quick-pay” program to expedite payment and working capital and offerings from the Massachusetts Growth Capital Corporation. Prior to issuing invitations for bids and requests for proposals

and again after bids are awarded, the division shall file a comprehensive report that outlines the steps taken by the division to recruit and certify WBE, MBE and VBE and the progress in meeting contractor and business enterprise goals with the clerks of the senate and house of representatives and with the access, inclusion and diversity committee.

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

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