



Offered by Councilor Annissa Essaibi-George, Mejia, Wu,
Campbell, Flaherty, O'Malley, Breadon, Bok, Arroyo, Edwards and Janey
CITY OF BOSTON
IN CITY COUNCIL

IN THE YEAR TWO THOUSAND AND TWENTY ONE
HOME RULE PETITION

WHEREAS: In order to ensure long term equity and opportunity in our procurement system, the Uniform Procurement Act ought to be amended to provide the City of Boston the necessary latitude to support our local economy; and

WHEREAS: While a fiscally restrained procurement process is an appropriate and necessary aspect of good governance, such restraints often privilege well-established bidders who have the economy of scale to bid at the lowest cost; and

WHEREAS: Given that undoing racism and sexism currently present in our economy will take proactive measures, especially on the part of governmental agencies, **THEREFORE, BE IT**

ORDERED, That a petition to the General Court, accompanied by a bill for a special law relating to the Uniform Procurement Act, approved by the Boston City Council and Mayor of Boston, that the legislation so approved be adopted precisely as follows, except that the General Court may make only clerical or editorial changes to the bill, unless the Boston City Councilors and Mayor approve amendments to the bill before enactment by the General Court. The Boston City Councilors and Mayor of Boston are hereby authorized to approve amendments which shall be within the scope of the public objectives of this petition.

PETITION FOR A SPECIAL LAW RE: UNIFORM PROCUREMENT ACT

Section 1. Notwithstanding Section 2 of chapter 30B of the General Laws or any other law, rule, or regulation to the contrary, the following paragraphs shall apply to procurements with the City of Boston only.

Minority Business Enterprise (“MBE”) shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or

corporation that has been duly certified by the Massachusetts Office of Minority and Women Business Assistance as defined by Title 425 CMR Sec. 2.01.

Women-owned Business Enterprise (“WBE”) shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that has been duly certified by the Massachusetts Office of Minority and Women Business Assistance as defined by Title 425 CMR Sec. 2.01.

Section 2.

Notwithstanding Section 12 of chapter 30B of the General Laws or any other law, rule, or regulation to the contrary, the following paragraphs shall apply to procurements with the City of Boston only.

Prior to being awarded said contract, the bidder must disclose to the City a list of subcontractors who will be employed through the duration of said project. This list will include the service each subcontractor will be providing, the estimated amount they will be paid for their services, and if said subcontractor is:

- a. A Women-owned Business Enterprise (“WBE”)
- b. A Minority Business Enterprise (“MBE”)
- c. A Business Enterprise primarily based in the City of Boston

The goals for subcontractor participation will be as follows:

- a. 25% of City spending going to businesses owned by people of color and women;
- b. 15% to be a Women-owned Business Enterprise (“WBE”);
- c. 10% to be a A Minority Business Enterprise (“MBE”).

Subcontractor participation will be allowed to exceed these goals whenever possible.

Section 3.

Notwithstanding Section 5 of chapter 30B of the General Laws or any other law, rule, or regulation to the contrary, the following paragraph shall apply to procurements with the City of Boston only.

While the lowest bid will continue to take priority, the municipality has the right to negotiate with 1) a Women-owned Business Enterprise (“WBE”), 2) a Minority Business Enterprise (“MBE”), 3) a Business Enterprise primarily based in the City of Boston, or 4) those other Business Enterprises that have met the requirements laid out above, should the bidder’s proposal cost within 5% of the lowest bid, providing the

opportunity to match the bid. The lowest bidder will also be given an opportunity to revise the proposal to meet the subcontractor participation goals laid out in Section 12.

Section 4. This act shall take effect upon passage.

Filed: March 3rd, 2021