HOUSE DOCKET, NO. 2833 FILED ON: 1/21/2011

HOUSE . . . . . No. 2579

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to promote purchasing from social enterprises by governmental bodies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Linda Dorcena Forry	*12th Suffolk*
David Paul Linsky	*5th Middlesex*
John W. Scibak	*2nd Hampshire*
Sonia Chang-Diaz	
	☐ *[District]*
	☐

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By Ms. Forry of Boston, a petition (accompanied by bill, House, No. 2579) of Linda Dorcena Forry and others for legislation to promote purchasing from social enterprises by governmental bodies. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act to promote purchasing from social enterprises by governmental bodies.

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

SECTION 1. Chapter 30B is amended by inserting in section 4 after subsection (d) the following:-

(e) A procurement officer may award a contract valued at less than $25,000 for the procurement of goods or services produced in the commonwealth by a human services social enterprise, without seeking quotations as required under subsection (a), except that such a contract in an amount of $5,000 or greater shall be contingent upon receiving and recording at least three written or oral quotations, two of which must be from SOMWBA-certified businesses and at least one of which must be from an organization deemed a human services "social enterprise" as defined in Section 1(e), and the officer shall follow generally accepted business practices. For purposes of this subsection, the term human services "social enterprise" shall mean an activity or program that a) produces goods or services as a means of creating jobs for participants in, or revenues to further, social service programs as those programs are defined in section 1 of chapter 118G and b) is operated by an organization that is established for nonprofit purposes and no part of the earnings or assets of which inures to the benefit of, or is otherwise distributable to, any private person, whether upon dissolution or otherwise.

SECTION 2. Chapter 30B is amended by inserting after section 20 the following section:-

20A. (a) Notwithstanding any general or special law to the contrary and to the extent permitted by federal law, a governmental body may establish a preference for goods or services produced in the commonwealth by social enterprises. For purposes of this section, the term human services "social enterprise" shall mean: an activity or program that a) produces goods or services as a means of creating jobs for participants in, or revenues to further, social service programs as those programs are defined in section 1 of chapter 118G and b) is operated

24 by an organization that is established for nonprofit purposes and no part of the earnings or assets
25 of which inures to the benefit of, or is otherwise distributable to, any private person, whether
26 upon dissolution or otherwise.

27 (b) Wherever a governmental body establishes a preference for the procurement of such
28 goods or services using a social enterprise, the procurement officer responsible for procuring
29 such goods or services on behalf of the governmental body shall effectuate such preference in:
30 (i) advertising for bids, contracts or otherwise and making reasonable efforts to facilitate the
31 purchase of such goods or services; and (ii) purchasing goods or services, unless the price of
32 such goods or services exceeds, by more than 10 per cent, the price of goods or services from
33 sources that are not social enterprises.