

DRAFT – An Act Relative to Economic Justice in Offshore Wind Procurements

Section 1. Section 21 of chapter 227 of the Acts of 2018 shall be amended by adding the following subsections at the end thereof:

(c) In evaluating a proposal received in response to a solicitation for offshore wind generation or transmission resources pursuant to this Act or section 83C of chapter 188 of the Acts of 2018, or any subsequent legislation providing for the procurement of offshore wind generation or transmission resources, the Department of Public Utilities shall consider, in addition to any other criteria described in said sections, whether the proposal identifies, and the respondent and its subcontractors are likely to meet, specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for:

(i) the utilization of minority business enterprises, as that term is defined in section 7 chapter 58 as:

(a) contractors in the design of the offshore wind energy generation and transmission resources;

(b) contractors in the construction of the offshore wind energy generation and transmission resources; and

(c) vendors in the provision of goods and services procured by the offshore wind developer.

(ii) the hiring of members of socially or economically disadvantaged communities as employees in the design, construction, and production of offshore wind generation and transmission resources.

Section 2. Each proposal submitted in response to a solicitation as described in section 21 of chapter 227 of the Acts of 2018 shall include evidence that the developer has made serious good faith effort to solicit and interview a reasonable number of minority investors, including a statement that lists the names and addresses of all minority investors interviewed and whether or not any of those investors have purchased an equity share in the entity submitting an application.

Section 3.

(a) The department of energy resources shall consult with the supplier diversity office in drafting those sections of a solicitation that advance the purpose of this Act.

(b) The supplier diversity office may participate in the department of public utilities hearing processes related to the procurement of offshore wind generation and transmission resources.

(c) The supplier diversity office shall prepare guidance to developers regarding best practices to advance the purposes of this Act.

(d) The department of energy resources and the supplier diversity office shall consult with the Massachusetts Clean Energy Center and the Massachusetts Environmental Justice Advisory Committee in drafting those sections of a solicitation or regulations that advance the purpose of this Act.

Section 4. The department of energy resources shall promulgate regulations to implement the purposes of this Act within 120 days of its passage, including, without limitation, procedures for monitoring, measuring, and enforcing ongoing compliance with goals set by respondents in accordance with this Act. Such regulations shall, without limitation:

(a) require respondents to solicitations covered by this Act to make quarterly reports to the department of energy resources and the department of public utilities describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the proposed offshore wind generation or transmission resources, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by the respondent in accordance with section 1 of this Act;

(b) describe a process by which the department of energy resources will publicly review and post such reports, and require respondents to submit information to the department of energy resources regarding any failure to meet the goals set by the respondent, identify any good faith efforts that have been undertaken to achieve those goals and provide a plan to bring the dollar amount contracted and spent into compliance with the goals.