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NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING TO BE HELD BY THE BOSTON WATER AND SEWER COMMISSION CONCERNING ITS PROPOSED ESTABLISHMENT OF THE SHELTERED MARKET PROGRAM (SMP) ON MAY 9, 2024.

Pursuant to its Enabling Act, Chapter 436 of the Acts of 1977, the Boston Water and Sewer Commission will hold a public hearing commencing at 6:00 p.m., on **Thursday, May 9, 2024**, at the Boston Water and Sewer Commission, Second Floor Training Room, 980 Harrison Avenue, Boston, Massachusetts, for the purpose of giving interested persons an opportunity to present data, views or arguments relative to the establishment of the Sheltered Market Program. Under the provisions of Chapter 2 of the Acts of 2023, signed into law by the Governor on March 29, 2023, further extending certain provisions of the Open Meeting Law until March 31, 2025, this hybrid meeting will also be conducted virtually via ZOOM. The link to preregister for the Zoom meeting can also be found on www.bwsc.org.

PROPOSED SHELTERED MARKET PROGRAM

Following the issuance of the Disparity Study in which the Commission participated with the City of Boston (City), the Boston Housing Authority (BHA), and the Boston Planning and Development Agency (BPDA), the City and the BHA developed a Sheltered Market Program to address the disparities in the use of minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs) identified in the Disparity Study.

Please note that the Sheltered Market Program will be restricted to good and services where disparity in the utilization of disadvantage business enterprise have been found to exist. The SMP will not apply to construction contracts.

Sheltered Market Programs are authorized under Section 18 of the Uniform Procurement Act, Chapter 30B of the General Laws. Section 18 provides that once a Sheltered Market Program is authorized by the governing body of an agency, the agency's chief procurement officer can draft written procedures following a properly noticed public hearing which allow certain procurements to be solicited from not fewer than three disadvantaged vendors. Section 18 includes MBEs and WBEs among the group of disadvantaged vendors eligible to be solicited for or to bid on contracts covered by the Sheltered Market Program.

The written procedures governing the Sheltered Market Program must include the types of contracts which will be included, as well as other requirements set forth in the statute. The types of contracts covered must be those where disparity was found for the Commission in the Disparity Study. For the procurement of supply or services in the amount of one thousand dollars but less than ten thousand dollars, the receipt of written or oral quotations from no fewer than three certified disadvantaged vendors customarily providing such supply or service and who have been certified by the City of Boston's and or / the State's Supplier Diversity Office. For contracts in amounts over ten thousand dollars that are limited to the Sheltered Market Program, responses from not fewer than three certified and qualified vendors must be received. The solicitation and the advertisement for goods or services must state that the contract will be awarded under the Sheltered Market Program, and the type of disadvantaged vendor must be noted. No disadvantaged vendor may be awarded more than three Sheltered Market Program contracts by one or more governmental bodies within a one-year

period, and no disadvantaged vendor may participate in more than one Sheltered Market Program contracts at any one time.

No contract shall be awarded under a sheltered market program for a term exceeding three years, including any renewal, extension, or option. No disadvantaged vendor shall be awarded a sheltered market program contract if at the time of the award such vendor is a party to any other sheltered market program contract the term of which, including any renewal, extension, or option has not expired. No disadvantaged vendor shall be awarded more than three sheltered market program contracts by one or more governmental bodies within anyone-year period.

Zoom Link Information. Preregistration required.

https://bwsc.zoom.us/webinar/register/WN_wHE0k9xRTUaWJ_Mz83ZWOW