

August 25, 2022

The Boston Housing Authority is considering measures to address contracting disparities and is taking comment on policies and procedures for a sheltered market program, which seeks to create opportunities for disadvantaged vendors, including Minority Business Enterprises and Women Business Enterprises. These guidelines provide for general program authorization and oversight, and no specific contract has been identified at this time.

Special Measures to Address Contracting Disparities (Sheltered Market Program): In recognition of the historic and present disparities in access to contracting opportunities facing disadvantaged vendors, the BHA may establish a sheltered market program, as defined in G.L. c.30B §18. The Chief Procurement Officer may establish such program for certain contracts and one or more classes of disadvantaged vendors when authorized by Administrator of the BHA and when, to the extent constitutionally required, such program can be based on findings that the program would serve as remedy for present effects of past discrimination.

Where certain contracts have not been explicitly designated by the Administrator of the BHA as part of a sheltered market program, such contracts may be designated for a sheltered market program when the Chief Procurement Officer determines, based on reasonable evidence which may be internal or external data concerning contracting patterns of the BHA, vendors providing such services, barriers to contracting, and other such relevant data, and submits such finding for administrative review by the Executive Committee of the Boston Housing Authority.

For the purposes of a sheltered market program, the BHA shall accept certification of a disadvantaged business certified by the City of Boston or the Massachusetts Supplier Diversity Office (SDO), and may at its sole discretion accept certification by another municipal, country, state, federal or tribal entity upon submission of proof of such certification.

The Chief Procurement Officer shall ensure for effective competition amongst disadvantaged vendors for contracts within the sheltered market program.

Requirements for Advertisement and Solicitation

- a. Prior to the award of a sheltered market program contract for the procurement of supplies and services in the amount of one thousand dollars but less than ten thousand dollars, the BHA shall solicit and receive written or oral quotations from no fewer than three certified disadvantaged vendors customarily providing such supply or service.
- a. Prior to the award of a sheltered market program contract for the procurement of a supply or service in the amount of ten thousand dollars or more, the BHA shall solicit and receive responsive bids or proposals from no fewer than three certified disadvantaged vendors.
- b. Prior to the award of a sheltered market program contract for the procurement of a supply or service in the amount of fifty thousand dollars or greater, the BHA shall, in addition to any other advertisement or notice required by law, advertise such contract in 1 or more print or online media outlets serving disadvantaged communities.
- c. Any advertisement or solicitation for a sheltered market program contract shall state that the contract will be awarded under a sheltered market program and specifies the class or classes of disadvantaged vendors to which competition for the contract is limited.

d. In no event shall a contract designated for inclusion in a sheltered market program be awarded on a sole source basis or where inadequate certified and responsive submissions have been received.

Review and Assessment

a. The BHA shall review any sheltered market program in effect on an annual basis. Such review may be conducted by the Chief Procurement Officer, the Director of Procurement, or another designee of the Chief Procurement Officer.

b. Each review shall result in the production of a written report, which shall include the number and dollar value of contracts awarded to disadvantaged vendors under the sheltered market program, and the total number, the percentage, the total dollar value, and the percentage dollar value of contracts awarded by the governmental body to disadvantaged vendors eligible for participation in the sheltered market program. The report shall also include a description of other efforts undertaken by the BHA to increase its contracting with disadvantaged vendors, and recommendations for continuing, modifying, or terminating the program.