

CITY OF BOSTON

SHELTERED MARKET PILOT PROGRAM - PROCEDURES

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PROCEDURES

1. Governing Panel

- a. The City will establish a panel consisting of the Chief Procurement Officer, the Chief of Economic Inclusion and Opportunity, the Chief of Diversity and Equity, and the City Auditor, or their designates.
- b. This panel will be responsible for:
 - i. Setting policy regarding certification of businesses for participation in the SMP
 - ii. Making final decisions regarding appeals for denial or decertification.
 - iii. Reviewing the appropriateness of proposed procurements for inclusion in the SMP
 - iv. Specifying the categories of disadvantaged businesses for proposed procurements for inclusion in the SMP
 - v. Approving or rejecting designation of procurements in the SMP
 - vi. Approving the annual report on effectiveness of the program.

2. Certification of businesses for participation

- a. The City will use its Minority and Women Owned Business Certification process. This can be found on the City's website at: <https://www.boston.gov/departments/economic-development/equity-and-inclusion-office/get-your-business-certified>
 - i. For the purposes of the SMP, businesses must have been certified as a relevant disadvantaged business by the City within the last 24 months at the time of award.
 - ii. In addition to businesses certified by the City directly, the City will authorize participation within the SMP by businesses that are:
 1. Certified as a disadvantaged business by another governmental body's Sheltered Market Program,
 2. Certified by Massachusetts Supplier Diversity Office or the Office of Minority and Women Business Assistance.
- b. If an application is going to be rejected, the City will contact the applicant using the email listed in their application, and explain why the application is insufficient.
 - i. The applicant will have 7 business days to update their application and supply clarifying information.

- c. If this clarifying information does not, in the city's judgment, satisfy the requirements for certification, the applicant will have 7 business days in which to appeal to the governing panel.

3. Designation Of Contracts

- a. Procurements may be submitted for designation to be let using the sheltered market by:
 - i. Any member of the governing panel
 - ii. The department issuing the procurement
- b. Once a procurement has been submitted for designation, the Governing Panel will have 7 business days to review and:
 - i. Approve or reject designation based on the following criteria
 - 1. Will the inclusion of this procurement further the goals of equity and supplier diversity?
 - 2. Is this an industry where there is a high availability of certified or certifiable disadvantaged businesses to perform the work? Are there likely to be at least 3 responsive and responsible bidders?
 - 3. Is this a category of work covered by the authorization from the City Council?
 - 4. Will this procurement be released and awarded during the authorized time?
 - ii. Specify the categories of disadvantaged businesses for which this procurement will be available through the SMP based on
 - 1. The depth of the disparity for that industry for each category of disadvantaged businesses
 - 2. The availability of businesses in those categories to perform the work
 - iii. This decision must be documented in writing, and included with the procurement when released.

4. Ensuring Competition

- a. Businesses which are certified or in the process of being certified as a disadvantaged business, and are interested in participating in the SMP may sign up to be notified when SMP procurements are released.
- b. All procurements designated for release through the SMP will be published on the City's buying plan, and on the Sheltered Market Program landing page on Boston.gov prior to the release of the procurement.
- c. The city will contract with a marketing agency to run a SMP awareness and education campaign, and targeted ads reaching out to the disadvantaged businesses for each procurement.

- d. In addition to paid advertising, the city will leverage its community partners and boards to outreach to potential bidders and encourage
- e. If any businesses believe they could perform the work, but lack experience with city contracting, they should reach out to the City's Office of Small Business Development for guidance and technical assistance.
- f. All SMP procurements will have a pre-submission conference to help potential bidders understand the needs of the city and the process to follow.
- g. After the award of any SMP procurement, the City will perform a mandatory debrief with each participant to maximize the learning for both City staff and participants.

5. Awarding of the procurement

- a. In order to be considered responsive, any submission must include:
 - i. A copy of a valid certification letter from one of the relevant certification authorities listed in section 3.
 - ii. A list of any contracts they have been awarded through a Sheltered Market Program within the last 12 months, with their start and end dates. This must also demonstrate that the business does not have a current, active contract issued through a Sheltered Market Program.
- b. 3 responsive and responsible submissions by the submission deadline must be received in order for the contract to be awarded under the Sheltered Market.
 - i. If a procurement does not receive 3 bids by the submission deadline, it must be restarted.

6. Annual Review and reporting requirements

- a. At least annually, and at the end of any authorization period, the Chief Procurement Officer must produce a written, detailed report that includes:
 - i. Information about the SMP
 - 1. A list of the contracts issued under the SMP and the dollar value of those contracts.
 - 2. The number of certified businesses and any change in that number over the reporting period.
 - 3. Metrics on the effectiveness of the SMP marketing:
 - a. How many businesses were contacted to bid for each procurement?
 - b. How many bids were received for each procurement?

- c. How does this performance compare to non SMP procurements?
- ii. Information about the city's total contracting:
 - 1. 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.
- iii. Description of other efforts undertaken to increase contracting with disadvantaged vendors
- iv. Recommendations for continuing, modifying, or terminating the program.
- v. Performance evaluations
- vi. If recommending that the program continue past the pilot, the panel will recommend changes to the SMP based on what we learned.

7. Severability:

- a. If any provision of these Procedures shall be held or made invalid by a court decision, statute, rule or otherwise, the remaining provisions of these Procedures shall not be affected thereby.