

SENATE No. 2442

Senate, April 29, 2021 -- Text of the Senate amendment to the House Bill financing the reconstruction of the Soldiers' Home in Holyoke (House, No. 3701) (being the text of Senate, No. 2439, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

1 SECTION 1. To provide for a program to protect, repair and improve the capital facilities
2 of the commonwealth and for a program of capital asset acquisitions, dispositions and other
3 improvements for general government operations, the sum set forth in section 2 for the several
4 purposes and subject to the conditions specified in this act is hereby made available, subject to
5 the laws regulating the disbursement of public funds. The sum made available in this act shall be
6 in addition to any other amounts previously appropriated for these purposes.

7 SECTION 2.

8 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

9 Division of Capital Asset Management and Maintenance

10 4000-2026 For costs associated with planning and studies, dispositions, acquisition of
11 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
12 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
13 of the General Laws, for the preparation of plans and specifications, repairs, renovations,
14 improvements, modernization, construction, reconstruction, furnishing, equipping, acquiring,

15 remodeling, refurbishing, asset management, accessibility improvements, demolition, disposition
16 and remediation of facilities and grounds operated by the various departments within the
17 executive office of health and human services, all as the commissioner of capital asset
18 management and maintenance, in consultation with the secretary of health and human services
19 and the appropriate commissioners of the departments within the executive office, shall consider
20 appropriate; provided, that \$400,000,000 shall be expended for the design and construction of a
21 new facility for the Soldiers' Home in Holyoke to replace the existing Soldiers' Home facility;
22 provided further, that costs payable from this item shall include, but not be limited to, the costs of
23 leases of temporary relocation space or equipment as required for completion of the project;
24 provided further, that costs payable from this item may include costs for additional adult day
25 health, mental health and substance use and recovery programming on the site of the new
26 facility; provided further, that design and construction of the new facility shall achieve, to the
27 greatest extent feasible, the "small house" model design, as defined by the United States
28 Department of Veterans Affairs; provided further, that such design and construction shall reflect
29 current and projected needs of the population it is intended to serve, best practices to meet those
30 needs, the quality, effectiveness and efficiency of care to be delivered at the facility and shall
31 seek to promote the quality of life for those whom it will serve; provided further, that federal
32 reimbursements received for the new facility shall be used to reduce the amount of bonds issued
33 and sold by the commonwealth for this item, so that the amount of federal reimbursements and
34 bonded funds for this item shall total not more than \$400,000,000 in the aggregate; provided
35 further, that in the planning, design and construction of such facilities, the administration shall
36 endeavor at all times to control and minimize costs to the commonwealth through the
37 maximization of efficiencies, cost savings and federal and other non-state cost sharing or

38 reimbursements; provided further, that, subject to the previous proviso that the amount of federal
39 reimbursements and bonded funds for this item shall total no more than \$400,000,000 in the
40 aggregate, any federal reimbursement received by a state agency including, but not limited to, a
41 project related to providing health care, including mental health and substance use and recovery,
42 human services and veterans’ services in connection with projects funded from this item, may be
43 retained by the executive office for administration and finance and expended for the purposes of
44 the project, without further appropriation, in addition to the amounts appropriated in this item;
45 provided further, that the division of capital asset management and maintenance, in consultation
46 with the executive office of health and human services and the department of veterans’ services,
47 shall seek to maximize federal reimbursement for funds expended from this item; provided
48 further, that the executive office for administration and finance shall report on any such federal
49 reimbursement to the joint committee on veterans and federal affairs, the joint committee on
50 racial equity, civil rights, and inclusion and the house and senate committees on ways and means
51 not less than 15 days after receipt of the reimbursement, and provided further, that if the
52 application for federal reimbursement for this item is not approved, bonds shall not be issued or
53 sold for this item until federal reimbursement is secured.....\$400,000,000

54 4000-2027 For costs associated with increasing geographic equity and accessibility
55 related to the continuum of long-term care services, including mental health and substance use
56 and recovery services, for the commonwealth’s veterans not primarily served by the Soldiers’
57 Home in Massachusetts located in the city of Chelsea or the Soldiers’ Home in Holyoke,
58 including the establishment of regional or satellite veterans’ homes as well as new or expanded
59 supports for community-based care services and home-based care services; provided, that costs
60 shall include, but not be limited to, planning and studies, dispositions, acquisition of land and

61 buildings and interests therein by purchase, prepayment of lease for a term that exceeds the
62 useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79 of
63 the General Laws, for the preparation of plans and specifications, repairs, renovations,
64 improvements, modernization, construction, reconstruction, furnishing, equipping, acquiring,
65 remodeling, refurbishing, asset management, accessibility improvements, demolition, disposition
66 and remediation of facilities and grounds operated by the various departments within the
67 executive office of health and human services, all as the commissioner of capital asset
68 management and maintenance, in consultation with the secretary of health and human services
69 and the appropriate commissioners of the departments within the executive office, shall consider
70 appropriate; provided further, that the division of capital asset management and maintenance, in
71 consultation with the executive office of health and human services and the department of
72 veterans' services, shall prioritize regional equity and accessibility, as well as equitable access
73 for people of all identities, including, but not limited to, race, religion, sex, gender identity and
74 sexual orientation, and the creation of "small house" model design options, as defined by the
75 United States Department of Veterans Affairs, when developing plans for new long-term care
76 facilities; provided further, that the division shall consider an appropriate combination of
77 residential long-term care and permanent supportive housing services and community-based
78 services when designing new homes or facilities; provided further, that the division, in
79 consultation with the executive office of health and human services, shall seek input from
80 residential long-term care experts when designing new homes or facilities; provided further, that
81 the division, in consultation with the executive office of health and human services and the
82 department of veterans' services, shall maximize opportunities for federal reimbursement, cost
83 savings and efficiencies when designing new homes or facilities; provided further, that the

84 department of veterans' services shall consider the needs of the changing veteran population in
85 the commonwealth, including, but not limited to, service-related injuries, mental health and
86 gender, when designing new homes or facilities; provided further, that the department of
87 veterans' services shall seek stakeholder input from veteran communities in developing the
88 design and placement of new homes or facilities; provided further, that funds may be expended
89 for public-private partnerships to increase services across the continuum of care for veterans,
90 including residential long-term care and permanent supportive housing services, community-
91 based services, home-based services and other supports or services; provided further, that not
92 later than September 1, 2021, the division, the executive office of health and human services and
93 the department of veterans' services shall hold not less than 6 public hearings, with at least 1
94 hearing held in each of the following areas of the commonwealth: (1) the western region; (2) the
95 central region; (3) the metrowest region; (4) the northeastern region; (5) the southeastern region;
96 and (6) Cape Cod and the Islands region, to better understand the regional long-term care needs
97 of veterans; provided further, that not later than December 1, 2021, the division, in consultation
98 with the executive office of health and human services and the department of veterans' services,
99 shall submit a report to the joint committee on veterans and federal affairs, the joint committee
100 on racial equity, civil rights, and inclusion and the house and senate committees on ways and
101 means that shall include: (i) an analysis of the current state of service access across the
102 continuum of care for veterans, including a comparison of the differences between care available
103 to those veterans in the primary service area and those not in the primary service area of the
104 Soldiers' Home in Massachusetts located in the city of Chelsea or the Soldiers' Home in
105 Holyoke; (ii) an analysis of the efficacy of additional regionally equitable veterans' homes using
106 the "small house" model, including consideration of geographic areas and communities with the

107 greatest need for care and services; (iii) initial recommendations to promote an appropriate
108 combination of residential long-term care and permanent supportive housing services,
109 community-based services and home-based services distributed equitably across the
110 commonwealth; (iv) initial recommendations on the feasibility of establishing “small house”
111 model design options as defined by the United States Department of Veterans Affairs, distributed
112 equitably across the commonwealth, including an analysis of a veterans’ home focused on
113 female veterans and veterans’ homes focused on minority veterans in urban centers; (v) an initial
114 analysis on the potential costs and timelines for implementing a more regionally equitable and
115 accessible service model; (vi) efforts to seek stakeholder input from the veterans community and
116 public testimony received at public hearings; (vii) aggregate demographics of the veteran
117 population currently being served by the Soldiers’ Home in Massachusetts located in the city of
118 Chelsea or the Soldiers’ Home in Holyoke, including, but not limited to, age, gender, race,
119 ethnicity, disability status, place of residence and income and asset levels; (viii) an analysis of
120 the accessibility of additional regionally equitable veterans’ homes, including, but not limited to,
121 the availability of existing or proposed bus, commuter rail, shuttle, subway or trolley services for
122 veterans and their family members who may lack car access or may no longer drive; and (ix)
123 aggregate demographics of the veteran population not currently being served by the Soldiers’
124 Home in Massachusetts located in the city of Chelsea or the Soldiers’ Home in Holyoke,
125 including, but not limited to, age, gender, race, ethnicity, disability status, place of residence and
126 income and asset levels, including information for veterans receiving financial or medical
127 assistance benefits under chapter 115 of the General Laws but not including information for
128 veterans who are recipients under institutional or transitional budgets and veterans previously
129 residing in housing through a United States Department of Veterans Affairs supportive housing

130 voucher with medical documentation showing a need for long term care services; provided
131 further, that the division, in consultation with the executive office of health and human services
132 and the department of veterans' services, shall submit subsequent biannual reports, due on the
133 first of May and the first of November beginning in calendar year 2022, to the joint committee
134 on veterans and federal affairs, the joint committee on racial equity, civil rights, and inclusion
135 and the house and senate committees on ways and means on any updates to planning, design,
136 cost, timeline and implementation of new residential long-term care, community-based and
137 home-based facilities and services; provided further, that funds from this item may be made
138 available to establish not more than 2 pilot programs to increase access to long-term care
139 services for veterans residing in areas not primarily served by the Soldiers' Home in
140 Massachusetts located in the city of Chelsea or the Soldiers' Home in Holyoke; provided further,
141 that the division, in consultation with the executive office of health and human services and the
142 department of veterans' services, shall report biannually to the joint committee on veterans and
143 federal affairs, the joint committee on racial equity, civil rights, and inclusion and the house and
144 senate committees on ways and means on the status of implementing any such pilot program,
145 including, but not limited to: (a) proposed locations and communities served; (b) service designs;
146 (c) facility type and capacity; (d) anticipated pilot program timelines; (e) estimated pilot program
147 costs; and (f) recommendations for establishing additional veterans' homes and facilities based
148 on pilot program designs, implementation and outcomes....\$200,000,000

149 SECTION 3. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
150 Laws or any other general or special law to the contrary, to carry out the purposes of this act,
151 the commissioner of capital asset management and maintenance may acquire, by purchase, lease
152 or leaseback for a term, including any extensions, not to exceed 50 years, gift or other transfer or

153 by eminent domain under chapter 79 of the General Laws, any interests in land and buildings
154 considered necessary by the commissioner to carry out the purposes of this act including, but not
155 limited to, easements for drainage, access, utilities and environmental mitigation and may grant
156 and retain such easements and interests as considered necessary by the commissioner to carry out
157 the purposes of this act.

158 SECTION 4. Every 6 months, not later than June 30 and December 31, and until the
159 completion of the new facility for the Soldiers' Home in Holyoke, the department of veterans'
160 services, in consultation with the division of capital asset management and maintenance, shall
161 file a report on the construction of the new facility. The report shall include, but not be limited
162 to: (i) a brief, current description of the project and any substantial changes in the description of
163 the project during the previous year; (ii) the state of progress of the project; (iii) a summary of
164 the total and major costs of the project as originally estimated and as currently expended or
165 currently estimated to be expended; (iv) the original project schedule and the current and
166 estimated schedule and progress of the project; and (v) identification of the designers and
167 contractors who have contracted to provide materials or services for the new facility, including
168 how the designers and contractors meet any applicable participation goals for minority and
169 women workers and minority-owned and women-owned businesses. The report shall be filed
170 with the clerks of the senate and house of representatives, the joint committee on veterans and
171 federal affairs, the joint committee on racial equity, civil rights, and inclusion and the house and
172 senate committees on ways and means and posted on the websites of the general court and the
173 department of veterans' services.

174 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state
175 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

176 amount to be specified by the governor, from time to time, but not exceeding, in the aggregate,
177 \$600,000,000. All such bonds issued by the commonwealth shall be designated on their face,
178 Veterans Homes Capital Improvement and Equity Act of 2021, and shall be issued for a
179 maximum term of years, not exceeding 30 years, as recommended by the governor to the general
180 court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds
181 shall be payable not later than June 30, 2056. All interest and payments on account of principal
182 on these obligations shall be payable from the General Fund. Notwithstanding any other
183 provision of this act to the contrary, bonds issued under this section and interest thereon shall be
184 general obligations of the commonwealth.

185 SECTION 6. (a) The funds authorized by item 4000-2026 of section 2 for the
186 construction of a new facility for the Soldiers' Home in Holyoke that is sufficiently extensive in
187 size, complexity and duration to replace the existing Soldiers' Home facility shall be expended in
188 accordance with the following conditions:

189 (i) sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall
190 apply to all contracts for the project; and

191 (ii) all construction employees employed in the construction of the project shall be paid
192 not less than the wage rate established for the work pursuant to a project labor agreement with
193 the appropriate labor organization that shall include: (A) a uniform grievance and arbitration
194 procedure for the resolution of work-related disputes on job sites; (B) mutually agreeable
195 uniform work rules and schedules for the project; (C) an obligation for any labor organization
196 and its constituent members not to strike with respect to work on the project; (D) participation
197 goals of minority, veteran and women workers to be employed on each contract and the

198 processes and procedures to ensure compliance with those workforce participation goals,
199 including, but not limited to, a requirement to employ a sufficient number of apprentices to allow
200 for the training and employment of individuals who would not otherwise qualify for employment
201 on the project, the establishment of an access, inclusion and diversity committee and the
202 reporting and enforcement requirements of paragraph (G) of section 44A of said chapter 149;
203 and (E) an agreement to facilitate the entry of interested veterans into the building and
204 construction trades by designating an entity or organization to serve as a resource for preliminary
205 orientation, apprenticeship programs and other needs, as mutually agreeable, to foster veteran
206 employment opportunities.

207 (b) The access, inclusion and diversity committee shall meet publicly not less than
208 monthly to implement and monitor diversity, inclusion workforce and enterprise goals. The
209 committee shall receive regular reports from the project owner and all contractors and
210 subcontractors regarding work hours, diversity, inclusion and progress toward the participation
211 goals for minority, women and veteran workers employed as set forth in the agreement. The
212 committee shall review reports describing: (i) the number of contracts; (ii) total dollar amounts
213 contracted with and actually paid to MBE, WBE and VBE, as defined by section 58 of chapter 7
214 of the General Laws, for design and construction of the Soldier's Home in Holyoke; (iii) the total
215 number and value of all subcontracts awarded to MBE, WBE and VBE; and (iv) a comparison of
216 these reports with the goals established by the division of capital asset management and
217 maintenance, in consultation with the committee. The committee shall regularly assess progress
218 and identify any obstacles to successfully achieving inclusion of socially and economically
219 disadvantaged workers and businesses in the design and construction opportunities associated
220 with this project and shall make related recommendations to the division on how to overcome

221 such obstacles and increase the level of minority, women, and veteran workers employed on the
222 project and MBE, WBE and VBE participation as contractors and subcontractors for the project.
223 The committee may participate in public forums and other educational or outreach activities
224 designed to inform the general public about the project as determined by the division. The
225 committee shall consist of: 1 member appointed by the governor, who shall serve as chair; the
226 deputy chief of the office of access and opportunity or a designee; the executive director of the
227 supplier diversity office or a designee; the secretary of the department of veterans' services or a
228 designee; the secretary of the executive office of labor and workforce development or a designee;
229 and 14 members appointed by the division of capital asset management and maintenance, 2 of
230 whom shall be representatives of the city of Holyoke as recommended by the mayor of the city
231 of Holyoke, 2 of whom shall be representatives of the union trades working on the project as
232 recommended by the Massachusetts Building Trades Council, 2 of whom shall be representatives
233 of contractors as recommended by an established trade organization in the commonwealth, 2 of
234 whom shall be representatives of WBE and MBE with a demonstrated track record of advancing
235 diversity, equity and inclusion, 2 of whom shall be representatives of an advocacy organization
236 focused on diversity and equity with a demonstrated track record of advancing diversity, equity
237 and inclusion, 2 of whom shall be representatives of organizations that promote the advancement
238 and equity of women as recommended by the Massachusetts commission on the status of women
239 and 2 of whom shall be representatives of organizations that promote the wellbeing of veterans
240 as recommended by the Disabled American Veterans of Massachusetts. Notwithstanding any
241 requirement that certain committee members shall not be named until contracts for the project
242 are signed, the committee shall hold its first meeting not later than 90 days after the passage of
243 this act and shall continue to meet as a full committee until such time as said members are

244 appointed. The division of capital asset management and maintenance shall provide
245 administrative support to the committee as appropriate.

246 (c) The division of capital asset management and maintenance, in consultation with the
247 executive office of labor and workforce development, shall conduct pre-apprentice recruitment
248 and other pipeline programming, with a goal of reaching underserved communities, to facilitate
249 compliance with goals for minority and women workers and to promote veteran employment on
250 the project. The division may contract with entities or organizations to facilitate such recruitment
251 and pipeline programming.

252 (d) The division of capital asset management and maintenance, in consultation with the
253 access, inclusion and diversity committee, shall set participation goals for MBE, WBE and VBE,
254 as defined by section 58 of chapter 7 of the General Laws, contracting on the project. The
255 division, in consultation with the access, inclusion and diversity committee and the
256 Massachusetts Growth Capital Corporation, shall: (i) conduct outreach and recruitment, prior to
257 the issuance of invitations for bids and requests for proposals of bids, to facilitate the
258 certification and participation of MBE, WBE and VBE based in the commonwealth; (ii) make
259 available technical assistance grants to be used by socially and economically disadvantaged
260 businesses, which may include, but shall not be limited to, MBE, WBE and VBE to facilitate
261 participation in the bid process; (iii) consider programs and incentives for contractors that meet
262 or exceed goals, including, but not limited to, a “quick-pay” program to expedite payment and
263 working capital and offerings from the Massachusetts Growth Capital Corporation. Prior to
264 issuing invitations for bids and requests for proposals and again after bids are awarded, the
265 division shall file a comprehensive report that outlines the steps taken by the division to recruit
266 and certify WBE, MBE and VBE and the progress in meeting contractor and business enterprise

267 goals with the clerks of the senate and house of representatives and with the access, inclusion
268 and diversity committee.

269 (e) There shall be no precondition to the award of a contract that a bidder has previously
270 entered into a collective bargaining agreement with a labor organization; provided, however, that
271 the bidder shall be willing to execute and comply with the project labor agreement for the project
272 if it is awarded a contract for the designated project.

273 (f) Any bidder that has a demonstrated record of failure to achieve a workforce or
274 subcontracting diversity goal on a project for the commonwealth shall not be a suitable bidder to
275 receive an award of a contract on the project described in this act.