

Dear Commissioner Woodcock,

I am writing to you in connection with the proposed guidelines for the RFP for the 1600MW procurement under 83C III. I urge you to enhance the aspects of the guidelines which address minority participation and environmental justice.

Specifically, although the proposed guidance encourages applicants to enhance minority participation and benefits to promote environmental justice for impacted communities, I regret that compared to similar provisions adopted by other states, those proposed for Massachusetts are the weakest. I urge you to direct your staff to revise and enhance the requirements so that they are the most rigorous.

As you may be aware, scholars (see, Richard Rothstein, "The Color of Law,") have pointed to one major source of the great disparity in wealth between Black and white families in the US. Beginning in the 1930's, government policies made sure that government benefits in housing were not equally available to Black citizens. This resulted in them being deprived of the opportunity to invest with white counterparts in emerging residential communities well situated with respect to cities and centers of employment. This residential segregation has persisted to this day with the result that Black families were not able to build wealth over generations.

To avoid a perpetuation of this discrimination, opportunities afforded by investment, employment and training through this procurement must be affirmatively made available to members of these previously disadvantaged communities. There are many ways for this to occur and the RFP should require detailed diversity and inclusion plans while allowing for some creativity on the part of the bidders. The guidelines in the RFP should specify the heavy weight that DOER will place on such plans and the great variety of methods available for meeting this objective.

Specifically, aside from including members of minority communities as investors in the bidding entity, the bidders should specify how they will insist that their contractors and especially their subcontractors will actually ensure that minority subcontractors and employees are selected to work on the project. This should apply to all aspects of design, construction, operation and maintenance as well as finance and training. It should include the creation of training programs where the needed skills are not now found in minority communities. In other words, this is an opportunity for the Commonwealth to make up for prior lost opportunities to spread economic benefits equally to all our citizens. And DOER should institute monthly reporting on the success of these efforts during the entire project to confirm that the goals have been met and, if they are falling short, allow time for the winning contractor to make amends.

I hope you and your staff will recognize this as an opportunity to create a new model for equitable participation in the benefits created by public programs and entitlements. Fortunately, Massachusetts has two good models in the MassPort Omni Hotel project in the Seaport, and the State Gaming Commission. Now is the time for DOER to take the lead and create a model for all future state energy procurements.

Thank you for considering these comments.

Robert Tuchmann