



Mayor's Committee for People with Disabilities **RECOMMENDATION 20161115-4B Disparity Study for People with Disability and/or creation of Persons with Disabilities Business Enterprise (PDBE) category for City of Austin Procurement Process**

Date: November 15, 2016

Subject: City of Austin Contracting with People with Disabilities

Motioned By: Commissioner Deborah Trejo Seconded By: Commissioner Vice-Chair Tanya Winters

Recommendation

The Committee recommends that the City of Austin should address economic disparity for people with disabilities in City of Austin contracting in the following ways:

- Undertaking a disparity study (or some other study) to understand and clarify the inequitable situation, or
- Adopting an ordinance similar to the current City of Houston ordinance that will create a new category of Minority and Women-owned Business Enterprises (MWSBE) called Persons with Disabilities Business Enterprises (PDBE) that ensures people with disabilities have meaningful participation in the City of Austin's procurement process.

The Committee moves that the City include consideration of discrimination in contracting with people with disabilities in any disparity study to be conducted by the City, or to conduct a new stand-alone disparity (or other) study that will review discrimination in contracting with, or employment of, people with disabilities to be finalized not later than December 2017; and

In the alternative, the Committee moves that the City of Austin adopt language in the City Code of Ordinances to certify a disability owned businesses as a defined category of Disadvantaged Business Enterprise (DBE) called a Persons with Disabilities Business Enterprises (PDBE) that would be eligible to compete for city contracts and is considered as a similar group to the other Minority and Women-owned Business Enterprises (MWSBE) currently addressed by contracting goals set on city projects with the goal of ensuring meaningful participation of disability-owned businesses in the government procurement process.

Rationale:

People with Disabilities face economic equity challenges similar to many minority groups; however programs geared towards including minority owned businesses in City of Austin contracting do not include disability-owned business. Citizens with disabilities in Austin (10% of the population) want and need similar remedies to institutional bias as other minority groups.

After months of discussion, the Mayor's Committee on People with Disabilities (Committee) has concluded that the barriers to becoming a Disadvantaged Business Enterprise (DBE) for people with disabilities are insurmountable under the current system.

In addition, the Committee recognizes that a disparity study is a fact-based technique used to provide evidence, in accordance with current case law and social behavior, that determines how well an entity (city, county, state, business or category of business) has involved or contracted with small, women-

owned and minority owned businesses. These types of studies illustrate to what extent, remedial programs for racial or gender discrimination are appropriate.

There are no disparity studies that include people with disabilities and as such a person with a disability who applies for the Disadvantaged Business (DBE) classification lack historical and objective evidence as could be provided by a disparity, or other study commissioned by the City.

Vote

For: Board Members in Attendance: Brian Owens, Chair, Tanya Winters, Vice Chair, Kevin Jackson, Chris Masey, Marshall Mitchell, Robin Orlowski, Danny Saenz, David Simmons, Deborah Trejo

Against: None

Abstain: None

Absent: Diane Kearns-Osterweil

Attest: *[Staff or board member can sign]*

