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and evaluated qualitative data about the experiences of MBE/WBE firms in obtaining City contracts and associated subcontracts; and,

**WHEREAS**, Disparity Study results reveal the City's MBE/WBE Program has proven successful, with a weighted availability of MBE firms – 8.0% and WBE firms – 6.5% and a disparity ratio showing the following utilization: 118.0% - Blacks, 122.1% - Hispanics, 142.5% - Asian, 119.5% - MBE firms, and 104.4% - White Women, with a significant disparity for Native Americans of 20.0%; and,

**WHEREAS**, despite the City's success, disparities still exist in the marketplace, with qualitative evidence identifying key issues such as systemic racial exclusion, discriminatory attitudes, negative perceptions of competence, gender bias, hostile work environments, exclusion from industry networks, access to contract opportunities, financial barriers to contract opportunities, and barriers to equal contract terms; and

**WHEREAS**, the Disparity Study recommends the City further pursue race-neutral measures as opposed to race-conscious measures, develop an annual procurement forecast, centralize the Program's data collection and reporting of the B2Gnow system, enhance strategies on professional services contracting processes, use the Disparity Study availability data to assist in setting MBE/WBE contract goals, implement a comprehensive supportive services program, and adopt a mentor-protégé program; and

**WHEREAS**, the Disparity Study was provided to Council and the public, and briefings of the study and its findings were provided to the MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee, Hispanic/Latino Quality of Life Resource Advisory Commission, African American Resource Advisory Commission, LGBTQ Quality of Life Advisory

Commission, Construction Advisory Committee, Asian American Quality of Life Advisory Commission, Inclusive Procurement Working Group, Minority Trade Associations, and Council, for review and consideration, and public input regarding soundness of methodology, accuracy of data, and reasonableness of factual findings and recommendations: and

**WHEREAS**, in accordance with Resolution No. 20200326-053, the City Manager worked with the Inclusive Procurement Working Group for its review and assessment of programmatic and administrative issues related to the existing MBE/WBE Program ordinances, so that it may recommend ways that the City could improve the function of the program to better meet the needs of the community while remaining within the bounds of the City's legal authority; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

After full consideration of the Disparity Study's detailed findings and recommendations, the City Council hereby accepts the 2022 Disparity Study's findings as providing a strong basis in evidence that establishes a compelling interest for action by the City to remedy the ongoing effects of marketplace discrimination adversely affecting the participation of ready, willing, and able MBE/WBE firms, and that establishes a rational basis for action by the City to enhance contracting opportunities for ready, willing, and able MBE/WBE firms in City contracts;

**BE IT FURTHER RESOLVED:**

The City Manager is directed to review and assess the final recommendations from the Inclusive Procurement Working Group to assess fiscal and procedural impact of implementing its recommendations, seek additional input

77 from City staff and the City's outside counsel regarding appropriate legally-  
78 defensible policy options that are narrowly tailored to address the effects of  
79 identified marketplace discrimination, including, but not limited to, the proposed  
80 policy and administrative recommendations outlined in the Disparity Study, and  
81 based upon such feedback, to draft ordinances for City Council's consideration that  
82 appropriately amend the MBE/WBE Program to incorporate such policy options  
83 and to enhance opportunities for small MBE/WBE firms in City contracts in a  
84 manner that is legally defensible, effective, and feasible.

85 **BE IT FURTHER RESOLVED:**

86 The City Manager is directed to seek additional input from the Inclusive  
87 Procurement Working Group regarding the proposed recommendations outlined in  
88 the Disparity Study, and based upon such feedback, develop recommendations for  
89 policy options to enhance participation opportunities for MBE/WBE firms in City  
90 contracts in a manner that is legally defensible, effective, and feasible.

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94 **ADOPTED:** \_\_\_\_\_, 20\_\_\_\_ **ATTEST:** \_\_\_\_\_

95 Myrna Rios  
96 City Clerk  
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