



29           **WHEREAS**, Disparity Study results reveal the City’s MBE/WBE Program  
30 has proven successful, with a weighted availability of MBE firms – 8.0% and  
31 WBE firms – 6.5%. The disparity ratio showed the following utilization: 118.0% -  
32 Blacks, 122.1% - Hispanics, 142.5% - Asian, 119.5% - MBE firms, and 104.4% -  
33 White Women, with a significant disparity for Native Americans of 20.0%.  
34 Despite the City’s success, disparities still exist in the marketplace, with qualitative  
35 evidence identifying key issues such as systemic racial exclusion, discriminatory  
36 attitudes, negative perceptions of competence, gender bias, hostile work  
37 environments, exclusion from industry networks, access to contract opportunities,  
38 financial barriers to contract opportunities, and barriers to equal contract terms;  
39 and

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

47           **WHEREAS**, the Disparity Study was provided to Council and the public,  
48 and briefings of the study and its findings provided to the MBE/WBE and Small  
49 Business Enterprise Procurement Program Advisory Committee, Hispanic/Latino  
50 Quality of Life Resource Advisory Commission, African American Resource  
51 Advisory Commission, the LGBTQ Quality of Life Advisory Commission,  
52 Construction Advisory Committee, Asian American Quality of Life Advisory  
53 Commission, the Inclusive Procurement Working Group, Minority Trade  
54 Associations, and Council, for review and consideration, and providing multiple

55 opportunities for public input regarding soundness of methodology, accuracy of  
56 data, and reasonableness of factual findings and recommendations: and

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

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

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

73 **BE IT FURTHER RESOLVED:**

74 The City Manager is directed to review and assess the final  
75 recommendations from the Inclusive Procurement Working Group to assess fiscal  
76 and procedural impact of implementing its recommendations, seek additional input  
77 from the 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 amends 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 regarding the proposed recommendations outlined in the Disparity  
88 Study, and based upon such feedback, develop recommendations for policy options  
89 to enhance participation opportunities for veteran-owned businesses and service-  
90 disabled veteran-owned businesses in City contracts in a manner that is legally  
91 defensible, effective, and feasible.

92  
93 **ADOPTED:** \_\_\_\_\_, 20\_\_ **ATTEST:** \_\_\_\_\_  
94 Myrna Rios  
95 City Clerk  
96