

Oregon Commission on Black Affairs/PSU Hatfield School of Government  
Masters Internship/Rep. Lew Frederick, Co-Field Supervisor

# Minority Contracting: How to Improve Outcomes

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## Table of Contents

<b>Introduction</b>	<b>3</b>
<b>Why Portland?</b>	<b>4</b>
The Yellow Line	5
<b>How did TriMet do it?</b>	<b>7</b>
<b>Systems of Minority Contracting</b>	<b>11</b>
Legal	13
Construction Industry	17
Social-Cultural	18
<b>Policy Obstacles</b>	<b>22</b>
DBE	22
Good Faith Efforts	24
Disparity Studies	27
<b>References</b>	<b>27</b>

## **Introduction**

Racism is present at some level in every modern society. The specifics change from place to place and culture to culture, but it is apparently human nature to attribute faults, real or not, to people's skin color. Despite progress that has certainly been made over the last 100 years with regards to race relations, there is still a startling disparity between the economic success of Caucasian start-ups and those of African-Americans and other racial minorities. This is very true in the construction industry, an industry that has been traditionally dominated by white males, especially since the 1950's and the development of modern suburbia. According to the most recent Disparity Study conducted on behalf of the City of Portland and the Portland Development Commission, about one in five construction firms in Portland is owned and operated by women or minorities. Racial minorities only constitute 6%, as the remainder of that statistic is white women.

One needs not look far back into history to realize that women and people of color are at a disadvantage from an entrepreneurial standpoint in the United States' capitalist economy. There are endless social, cultural, economic, and other reasons this is the case. In this paper, I will look at the construction of the TriMet Yellow Line, and the successes present from a minority contracting perspective. In understanding how TriMet was able to successfully incorporate the minority community into this project, future efforts can be made to repeat this success.

## **Why Portland?**

The City of Portland is a breeding ground for progressivism in many forms. For many decades, the city has gone out of its way to enact policies that support values such as environmentalism and social activism. In 1991, the Bureau of Planning and Sustainability released a 20-year climate action plan, the first of its kind in any local municipality in the United States. This came at least 10 years before environmentalism was a popular cause everywhere. Portland has also been very dedicated to the development of viable transportation alternatives to single-occupancy vehicles. The network of bike paths around the city rivals many other bike-friendly places in the country. These examples were not accidental. There is a culture present in local municipalities in Portland that allows for growth in alternative, progressive decisions.

However, despite all of the progressive ideals that the city promulgates, there is still an obvious, visible economic gap between the minority community and the rest of the region. “Red-Lining” might be illegal, but in Portland, one could take a pen and map, and draw lines down certain major streets delineating the “nice” neighborhoods from the “not-so-nice” neighborhoods. Sadly, there is a strong correlation between communities comprised mostly of minorities, and the perceived “niceness” of a given area. The communities in Portland with the greatest minority populations are the North and Northeast sections of the city.

## **The Yellow Line**

When TriMet built the Blue Line from Gresham to Hillsboro, there was a lot of criticism regarding the lack of utilization of locally-owned minority firms. The DBE (disadvantaged business enterprise) goals were met so as to avoid any legal troubles. However, most of the minority firms hired were imported from other states. When TriMet began looking to extend the MAX reach into North and Northeast Portland, there was a concerted effort to not make the same mistakes. Fred Hansen, the General Manager of TriMet (1998-2009), took great strides to ensure that the North and Northeast communities would not only participate in the construction of the Interstate MAX project, but that they would also benefit through access to bids and projects that provide work to contractors and sub-contractors. This participation would not only be economically beneficial to the firms involved, but also to the community in general, since the firms winning bids would be home-grown.

There is a long established history of racism in the construction industry that I have confirmed through interviews with Bruce Watts, TriMet's Senior Director of Diversity and Equity and Sharon Maxwell-Hendricks of the Boanerges Group LLC (Appendix B & C). The Portland area is quite segregated residentially, and this also extends to the business sector. Through the efforts of Fred Hansen and TriMet, the Interstate MAX Line project was a minority contracting success.

The decision to build the MAX Yellow Line was finalized in 1999, and immediately, steps were taken to ensure that this construction bidding would not take the same form as previous projects that may have met Federal DBE (Disadvantaged Business Enterprises) statutes, however, these guidelines do not meet the exemplary standards that TriMet set forth for community involvement in the construction process. The key to TriMet's success with the Interstate Line, was its willingness to seek alternative approaches to a long standing tradition of contracting process. There had to be a focus that was not limited to money and financial prudence and capacity. Obviously, it is important that a firm that bids on a project be able to complete the project, and that includes a fair and accurate accounting of the total cost. This narrowly focused process, however, is what has contributed to the ease with which the construction industry can discriminate against people of color. Even when there is no blatant discrimination intended from the perspective of the owner or organization taking bids, the systems involved with the process have to be changed in order for the outcomes to change. I will discuss the systems involved with the contracting process later in the report. Now, I will discuss the TriMet Interstate Line project and the success that it yielded with regards to the utilization of small and minority businesses along the corridor of the Yellow Line, and throughout North and Northeast Portland.

### **How did TriMet do it?**

When it was decided that TriMet would build a light rail line through North Portland, Fred Hansen, the General Manager, immediately took steps to ensure that this would not follow in the footsteps of previous projects such as the Blue Line, which imported labor from out of state, and did not attempt to utilize local, small and minority businesses when seeking bids for projects ([trimet.org](http://trimet.org)). TriMet had previously fulfilled the Federal Disadvantaged Business Enterprises commitments, but not with Oregon enterprises.

DBE certification is available for women, as well as African-American's and other people of color. In order to target businesses owned and operated by African-Americans, Trimet disaggregated women from their DBE goals, to provide a more accurate statistic of the minorities involved in the process ([trimet.org](http://trimet.org)). White women qualify for DBE status in the same way of women of color, and are often used to meet DBE participation goals. TriMet began the Interstate MAX construction process with the following three standard policies: directing 16% of the project's capital spending to certified DBEs; ensuring 17% of labor hours in each apprenticeable trade on the project

performed by registered apprentices; ensuring the workforce reflects the diverse ethnic makeup of the community (Wilson 2005, p. 10).

Instead of the usual process of awarding contracts to the lowest bidder, Bruce Watts, TriMet's Director of Diversity and Equity, created an RFP (Request for Proposal) process, that would more appropriately address the diversity of the workforce to be contracted (App. C). The RFP process allowed for more communication with potential bidders on the front end of the bidding process. There needed to be a way to make the "good faith efforts" as transparent as possible, as history has established that "good faith efforts" do not a diverse workforce make. Watts created a 2-step process whereby the first step was used to identify a firm's qualifications for the work, including past experience and participation in similar work ventures. The second step more closely resembled the traditional focus on financial capacity and feasibility. This was an example of the top-down efforts of management at TriMet that were proactive in diversifying the Interstate MAX Line workforce. Construction began in November of 2000 ([trimet.org](http://trimet.org)).

While TriMet was intent on making efforts to include local small, minority businesses in North and Northeast Portland, the minority community was very skeptical this would come to fruition. For decades, the African – American business community has been patronized time and time again, with promises of diversification and inclusion that never actually happen (App. C). Why was this project going to be any different? To combat this, TriMet held a series of four Lessons-Learned Workshops before construction began. Anybody from the community was welcome at the meetings, and frustrations and past experiences were vented in an open, non-threatening setting (Wilson

2005, p. 20). Recommendations were considered and the community could begin to consider itself a partner in the project, not simply an affected party. This idea of a collaborative approach to the organization of the TriMet project was novel, particularly considering the construction industry and its history of minimal workforce diversity. This model has since become a national model for light rail workforce diversification elsewhere in the United States.

Throughout the entire process, TriMet also made sure that any firm that was either applying for, or had already been granted a contract, had access to technical assistance for everything from gaining DBE certification to help forming a bid or responding to the RFP (App. C). It is very rare that a transportation organization like TriMet provide access to this sort of help. This was important because TriMet did not want to exclude businesses who could do the work, but that might be unable to create a successful bid. The bidding process can be complex, and often it is the larger, most experienced firms that wins bids. This is not necessarily because they would perform the job in the best way, or are best equipped for it. Firms often win bids because they know how to best navigate the bidding process, and it is the companies that have been around the longest that win in most traditional bidding processes. This eliminates the chances that most minority-owned businesses have to successfully bid, because they are less likely to have been around long enough to have the experience necessary to navigate the process. TriMet changed this trend with the help of MCIP, the Metropolitan Contractor Improvement Partnership. MCIP provided the technical assistance that was available throughout the entire construction process, from 2000 -2004. Because of this assistance,

no firm was edged out of competition, as long as they were willing to seek assistance where it was necessary.

The Interstate MAX Line was able to finish under budget and ahead of schedule. The project finished 4 months early and \$25 million under budget. Not only did construction finish under budget and ahead of schedule, but the community was also involved in the process and benefited from economic involvement.

From the TriMet experience, lessons regarding how to improve outcomes in minority contracting were learned. It is also necessary to recognize the broad context in which minority contracting occurs. The following is a systems focused analysis of the field of minority contracting.

### **Systems of Minority Contracting**

Beginning in the 1970's, systems theory began to emerge as a viable alternative to the traditional organizational approaches of the likes of Frederick Taylor. Systems theory allows for a non-linear analysis of organizations both in terms of structure as well as operations. Traditional theorists, like Taylor, provided very prescriptive, linear explanations for why things happened the way they did. There was little recognition of any unspoken, unseen entities that may have also had an impact.

Systems thinking introduced a more holistic way of viewing organizations. Feedback and consequently, change is not necessarily linear. There are feedback loops and influences that are not always tangible or visible. Donella Meadows (2008) provided an apt example in her book, Thinking in Systems. She describes the properties of a slinky, the characteristics of the toy that make it bounce up and down without being prompted (Meadows 2008, p. 1). When she pulled her hand out from under the slinky the

bottom part of the coils bounced up and down. When she held the slinky box the same way, however, nothing bounced. It was characteristics inherent to the slinky that caused the behavior, not simply the movement of her supporting hand, even though that is what the most visible change had been.

In a similar vein, there are systems influencing and comprising the field of minority contracting that are guiding behaviors and outcomes, even though they are not visible. Unfortunately, these systems have been in place for many decades, and tend to be more resistant to change. I have identified three significant systems that are affecting the outcomes of minority contracting in the State of Oregon. First, are the legal system and the laws and statutes already in place regarding minority, women, and small business contracting. The second system is the structure in place for the entire construction trade industry. Third, and lastly for this analysis, is the social-cultural system in the United States surrounding race relations in the business sector.

## **Legal System**

First, the legal system is a system that is present for many if not most aspects of life for everyone. Especially since the Civil Rights Movement, there has been quite a bit of legislation aimed at preventing racial discrimination. Unfortunately, discrimination is motivated by people's prejudice, and not by the law. Legal boundaries only go so far in the fight for equity, which is why assessing the systems involved in the field of contracting is necessary.

In 1980, the federal government recognized the need for national policy to overcome the effects of past discrimination by increasing the number of contracts awarded to minorities. Unfortunately, in the process, there was not a serious effort to disaggregate "minority" statistics, thus lumping together all firms that are not owned by

able-bodied, white males. This means that women, people of color, and people with disabilities all qualified to be classified as a Disadvantaged Business Enterprise.

In 1983, Congress enacted the Disadvantaged Business Enterprise statute (USDOT). Initially, the legislation encompassed small businesses owned by minorities. In 1987, this was updated to also include businesses owned by women, minorities, and this is how it stands today. The federal legislation requires that at least 10% of funds authorized for the various highway and transit financial assistance programs be for DBE's (49 CFR 26). The statute requires states to set their own goals within this framework. However, the crux of the Oregon state DBE requirement rests on the assumption of "good-faith efforts." This is not only part of the legislation that lacks specificity, but it also is very hard to quantify and enforce. This difficulty with quantification also means that it is hard to measure and gage success.

Beginning in 1980, the federal government enacted policies with the goal to "overcome the continuing effects of past discrimination by increasing the share of contracts to minority- or women-owned businesses" (Martin et al. 2007, p 511). In 1989, the *Richmond v. J.A. Croson* case established the precedent that agencies must meet rigorous standards when setting up a minority-preference contracting program. This established context in which organizations would have to work, when figuring out how best to go about counter-acting past discrimination without legal vulnerability.

From the more broad public administration standpoint, the focus of legal evaluation includes "constitutional integrity, equal protection, fairness (procedural due process), and the protection of the rights of individuals" (Martin et al. 2007, p 512). It is

important when creating policy to keep in mind the legal boundaries that exist. The Court has changed its opinion over time as to what is appropriate for race-conscious policies. *Grutter v. Bollinger* (2003) established the precedent that there is a compelling government interest in racial diversity in education, to the point where including race in the admissions criteria was acceptable. The Court is always changing its leanings, however, and it can be very difficult for agencies to keep up. The *Croson* decision includes the “strict scrutiny standard” requiring that any race-conscious policy be narrowly tailored to the racial disparity at hand. The Court has specifically said that “racial discrimination by society in general could [not] provide a compelling basis for a minority contracting program” (Martin et al 2007, p 513). However, the Court in the *Croson* decision that “evidence of past discrimination in contracting by government agency or ongoing discrimination in the construction industry constitutes a compelling interest sufficient to justify a remedial program “ (Martin et al. 2007, p 513). Unfortunately, it is the agency that has to provide this evidence of discrimination, which is not always easily to do.

The *Croson* decision held that evidence of past discrimination by a specific government agency is sufficient to justify a minority-contracting program (513). This means that the judicial system becomes the arena in which data and statistics are collected, compiled, and presented to prove a disparity in the first place. The lack of reporting on racial disparities in the construction industry with regards to minority contracting is a huge detriment to the advancement of minority firms. Judges are then left to evaluate the statistical methods used to determine the legal question of whether or

not the burden or proof was met, showing a compelling interest and narrowly tailored approach. By the time an issue reaches this point, though, the organization in question is not likely to be positively altering programs to enhance minority participation. When the impetus for statistical analysis is in the court setting, positive change necessary to improve the plight of minority contractors is less likely to occur.

Since 1980, the effect of federal involvement in remedying past discrimination in construction contracting has included the creation of disparity studies. Disparity studies analyze the extent to which a particular jurisdiction is underutilizing minority contractors. Disparity studies are necessary for the plaintiff in a legal suit to prove past discrimination in an agency. Disparity studies are conducted to focus on four main points:

1. Is the evidence of discrimination against the targeted group substantial?
2. If so, is there either active or passive government participation?
3. Have race-neutral alternatives been ineffective?
4. Is the proposed remedy narrowly targeted to benefit the group that is facing the discrimination?

The overarching issue is the degree to which jurisdictions document discrimination at all. It is difficult to answer any of these questions without properly documented disparities in the treatment of minority contractors. Disparity studies would be most effective in overcoming the effects of past discrimination if they were to be completed in regular intervals, not only when prompted by legal necessity. Also, studies are necessary to determine how many of the awarded contract dollars actually end up in the hands of the minorities involved, and how many contract amendments, or change orders there are with

minority contractors versus white contractors. These figures would illustrate a more accurate account of the true disparity among contractors.

### **Construction Industry**

Another system directly affecting the outcomes of minority contracting in Oregon is that of the construction industry itself. Employees go to work in the construction industry somewhere and can then choose to pursue moving up through the firm and ultimately the industry. Workers can choose to be apprentices in a particular trade and train to be a journeyman in that trade, signifying that they are sufficiently trained in that trade. It is at that point, that the racial disparity becomes apparent. Supervisors and managers tend to be more Caucasian than the apprentices and journeymen and women,

and based on discussions I had with both Bruce Watts (Senior Director of Diversity and Equity) and Sharon Maxwell-Hendricks (CEO, Boanerges Group), this is the glass ceiling for many minorities within the construction industry (Appendix C & B respectively). It is at this point that racial disparities become very blatant. Because businesses in general are more likely to be run by Caucasians and promotions are mostly the decision of management in a firm, it is the Caucasians that already have status and authority that are then promoting (or not) employees in the firm. Unsurprisingly, this contributes to the low numbers of minorities in supervisory and management positions in non-minority owned firms.

### **Social-Cultural**

The third system that is present and directly effects minority contracting outcomes in Oregon, is that of the social-cultural systems in existing in the United States and Oregon workforces in general. Education and employment go hand in hand when it comes to determining the life chances of an individual. The environment in which children are raised is a huge influence on the outcomes observed later in life in the employment sector. In the state of Oregon, the graduation rate of public high school

seniors in 2010 was merely 66% (ODOE). After disaggregating that data for race/ethnicity, the graduation rate of public high school seniors for African American/Black students is a staggering 49%. Less than half of the black students in the Oregon public school system graduate high school in four or five years. With these high school graduation rates, minority students are likely to have a more difficult time in the employment sector later in life. On top of this, there is a noticeable residential segregation across the Portland metroplex. Public schools are funded from a local tax-base and this is all the more devastating for the economically disadvantaged neighborhoods, which also happen to be the most highly concentrated minority communities.

Generally speaking, problems confronting African American entrepreneurs are perceived as issues of culture, networks, training, regular suppliers, and cheap workers (Feagin and Imani 1994, p 562). The problem is much deeper than that, and this article attempts to get at what the barriers truly are. Racial discrimination is the proverbial elephant in the room when barriers are discussed. Scholars have even argued that racial discrimination is no longer an issue at all, especially for those who are upwardly mobile, moving into the middle class. W.E.B. Dubois suggests that discrimination exists not only through ignorance and maliciousness, but also through “unconscious acts and irrational reactions unpierced[sic] by reason” (Feagin and Imani 1994, p 563). It is the unconscious behaviors and irrational reactions that need to be addressed in order to help improve the success of minority contractors. These also happen to be the most difficult to address

from a policy standpoint, and are the quickest to be ignored and tabled in a legislative context.

Entrepreneurship literature shows that successful subcontracting firms depend greatly on high levels of “institutional and social integration, expressed in membership in industry organizations and through informal connections and the achievement of standing in the community from which the firm’s clientele is likely to be drawn” (Feagin and Imani 1994, p 564). In the more vulnerable, lower socio-economic strata, which describe the minority communities in Portland, membership in industry organizations are less likely.

When qualitative methods such as interviews are used to analyze barriers existing for minority firms, a very common response is that there are daily accounts of discriminatory behavior that minorities experience in the field of construction contracting. This was substantiated by my interview with Sharon Maxwell-Hendricks (CEO, Boarneges). This article indicates that institutional racism of discrimination refers to anti-minority motivations that shape power inequalities, which are in turn exfoliated in patterned discriminatory actions” (Feagin and Imani 1994, p 565). Unfortunately, it is difficult to write policy around peoples’ motivations and the behaviors that result from their motivations. Feagin and Imani suggests that anti-black discrimination exists today “because of the white normative environments condoning and encouraging it have persisted generation after generation since at least the 17<sup>th</sup> century in what is now the United States” (565). Much of the business world depends greatly on informal networks and long established relationships that often span generations through family

connections. It makes sense that without access to these networks, African-Americans would have a much more difficult time accessing the same entrepreneurial success as their white counterparts. This especially holds true once discrimination is taken into account.

There are three main obstacles that black subcontractors identified themselves facing. The first is cumulation, a vicious cycle in which white racism leads to worsening black conditions which then leads to more prejudice (Feagin and Imani 1994, p 566). This is a cycle also identified through both of the interviews that I completed with Bruce Watts and Sharon Maxwell-Hendricks. Second is the interlocking dimension of discrimination that involves discrimination in one subsector of the construction industry seeping into another subsector where it might not have otherwise been fostered (566). Third, is the idea of externally-amplified discrimination, which occurs when discrimination from outside of the construction industry interferes to amplify less severe discrimination that is already present. This is incredibly hard to avoid given the dependence on informal networks in the construction industry. It is in this context that minority contracting must overcome obstacles and that policy makers must attempt to create policy to remediate the effects of discrimination.

### *Merging Systems*

It is the collision of the legal system, construction trade system, and the socio-economic systems that creates the backdrop for the outcomes observed in minority

contracting. The laws that do exist are relatively vague in nature, and are not positioned to be able to have any visible effect on the other two systems, that are more deeply entrenched due to having been around for a significantly longer period of time. After identifying systems influencing minority-contracting outcomes, it is important to assess challenges in existing policy in order to achieve diversity and equity for minority contractors.

## **Policy Obstacles**

### *Disadvantaged Business Enterprises*

Policy is a ubiquitous force that drives the lives of Americans every day, whether or not they are aware of it. Policy can be the greatest catalyst for change. Policy can also be the biggest obstacle to change. The intentions of policy makers are not always translated into the implementation of the policy created. Combine these factors with the reality of overlapping interests of legislators, judicial decisions, and agency administrators, and the role of policy becomes elusive at best.

By the early 1980's, Congress recognized the need for national level policy to address the diversity issues in the American workforce. This was particularly apparent in the construction industry. The United States Department of Transportation is particularly invested in these issues as much of the funds it authorizes are transferred for the purpose of contracting with small and locally-owned firms to complete transportation projects. In 1983, Congress enacted a DBE statutory provision (49 CFR 26) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." It requires at least 10% of funds authorized for highway and transit federal assistance programs to be expended with DBE's. The US Department of Transportation defines a Disadvantaged Business Enterprise as a "for-profit, small-business concern where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations." Categories of people presumed to be disadvantaged are African-Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women. Interestingly, there is no dis-aggregation of women of color from the women category, and white

women are then assumed to be as “disadvantaged” as other women. Individuals not fitting into any of these categories can also apply for DBE status on a case-by-case basis.

Obviously, Congress had diversity and equity in mind when this statute was created in 1983. However, much has changed in the ensuing 28 years. Diversity and equity likely mean something different now than nearly 30 years ago. A reevaluation of this policy would help to update the assumptions that lie therein, and to familiarize current policy-makers (most of whom were not in the policy arena 30 years ago) with the need for policy that directs diversity and equity efforts for good.

From a general policy standpoint, there is a need for more research done into the impact of DBE policies on the field of federal construction contracting. According to the FAA article, the GAO was asked to “answer questions comparing the characteristics of DBE’s and non-DBE’s, and what the fiscal outcomes of the program are” (LaNoue 2008 p. 483). Even the GAO concluded that there was not enough information to come to any conclusions, and if there was any organization positioned to find information, it is the Government Accountability Office.

*Good Faith Efforts*

As is the case with much of the law, compliance with programs intended to promote and encourage diversity are judged based on the “good faith efforts” of the participants. Good faith efforts have yet to be adequately defined, however, and when brought into the legal context, “effort” of any kind holds a different weight than it generally does in the field. Because of this, it is not sufficient that employers and contractors have to make “good faith efforts” to comply with disadvantaged business enterprise policy. This policy needs to be changed.

There have been articles written to follow federal money through the contracting channels that eventually lead to the hands of subcontractors. “Follow the Money: Who Benefits From the Federal Aviation Administration’s DBE Program” does just this. Prior to DBE specific legislation in the 1980’s, there were policy streams beginning with Executive Order 11246, which required minority and female hiring goals. This executive order also introduced the field of construction contracting to the legal notion of “good-faith efforts.” It was necessary that federal contractors had to commit to good-faith efforts in order to incorporate minorities and women into the workforce. Unfortunately, “good-faith efforts,” are contextually based. The language of compliance needs to be changed in order to increase access for minority contractors.

On the surface, the role of diversity and equity seems quite clear in the necessity for “good faith efforts.” However, the inclusion of the “good faith efforts” clause of DBE legislation has proven to act as an excuse for contractors to not meet the 10% goal.

Oregon Commission on Black Affairs/  
PSU Hatfield School of Government  
Masters Internship/June 2011  
Rep. Lew Frederick, Co-Field Supervisor

The policy is symbolic at best, and due to the lack of definition and consistent enforcement, it will remain symbolic until the language is changed. Diversity and equity should be priorities of policy-makers today, and the only way that these priorities will be realized into goals that are attainable, is to create policy that supports diversity and equity efforts.

### *Disparity Studies*

There is a need for resources dedicated to documenting discrimination and the impact of policy on changing discriminatory patterns. Unfortunately, documentation tends to be motivated by legal requirements and judicial mandates, not internally for purposes of doing good, like the Tri-Met case study shows. One way to encourage and ultimately require documentation of the racial disparities in the construction workforce, would be disparity studies. These studies, however, would need to be completed more frequently than every 14 years. Prior to 2009, the last disparity study done for the Portland area was in 1995.

In 2009, the City of Portland and the Portland Development Commission hired a Denver-based research and consulting firm to perform a disparity study regarding public-construction and construction-related contracting (BBC Research & Consulting [BBC], 2011). Through the early part of the 21<sup>st</sup> century, many majority-owned businesses across the country had filed lawsuits challenging the constitutionality of different minority business programs and the US Department of Transportation's Federal Disadvantaged Business Enterprise Program itself. By 2009, the mayor and the development commission felt it necessary to updated documentation that was last acquired in 1995, to try and avoid such lawsuits (BBC, 2011). Also, this study helps the

Oregon Commission on Black Affairs/  
PSU Hatfield School of Government  
Masters Internship/June 2011  
Rep. Lew Frederick, Co-Field Supervisor

Portland Development Commission to determine how closely its minority/women-owned business practices adhere to legal standards.

Disparity studies were developed out of a need for the court system to have hard documentation of the discrimination that was being claimed in lawsuits. Due to the nature of the United States court system, as well as the language used in federal and state disadvantaged business enterprise policy, qualitative accounts of discrimination in the workplace were not sufficient to establish wrong-doing. Disparity studies provide the quantitative supplement to the (usually) qualitative claim of discrimination. Without more frequent studies, at least one per decade perhaps, community leaders and legislators will not have the documentation they need to create effective diversity and equity driven policy.

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Oregon Commission on Black Affairs/  
PSU Hatfield School of Government  
Masters Internship/June 2011  
Rep. Lew Frederick, Co-Field Supervisor

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