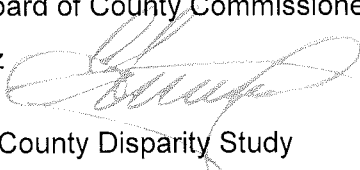


Memorandum



Date: July 2, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Draft Miami-Dade County Disparity Study

In response to multiple requests from Commission offices, attached is the DRAFT Disparity Study prepared by Mason Tillman Associates, Ltd (Mason Tillman). This DRAFT was developed pursuant to the contract requirements with Mason Tillman and in accordance with Board legislation. The Internal Services Department's Small Business Development Division is reviewing the report and has 60 days to provide feedback to Mason Tillman. Additionally, staff will be reviewing the DRAFT with the County Attorney's Office for their guidance. After incorporating the County's feedback, a Final Disparity Study will be submitted by Mason Tillman within 30 days.

Background

In 1996, the federal court enjoined the County from the use of race, ethnicity, and gender in the bid and award of construction contracts, the County discontinued the Black, Hispanic, and Women-owned Business Enterprise (B/H/WBE) programs for construction. In 2004, the B/H/WBE programs were completely discontinued from all contracts based on further federal court action. As a result of this court action, the County established gender and race neutral small business programs in Miami-Dade County.

On May 1, 2012, the Board of Commissioners (Board) passed Resolution R 397-12, directing the Administration to issue a solicitation for a disparity study of B/H/WBE participation in County contracts issued by Public Works Waste Management and the Water and Sewer Department. Pursuant to R-397-12, the County issued a solicitation for a qualified firm to conduct the study to assess, quantify and evaluate the prevalence, magnitude and extent of marketplace discrimination, if any, against the aforementioned groups. Four proposals received in response to the solicitation were rated and ranked by a Selection Committee. On September 18, 2012, the Board approved the award of RFP 830 to complete a comprehensive disparity study to Mason Tillman, the top scoring firm. Subsequently, on May 14, 2013, the Board directed the expansion of the disparity study to include the Internal Services; Public Housing and Community Development; and Parks, Recreation and Open Spaces departments in the study. The study period includes prime contracts and subcontracts awarded from January 1, 2007 to December 31, 2011.

Should you need further information, please contact Gary T. Hartfield, Division Director of Small Business Development, Internal Services Department at 305-375-3134.

Attachment

c: Honorable Harvey Ruvin, Clerk, Circuit and County Courts
Robert A. Cuevas, Jr., County Attorney
Office of the Mayor Senior Staff
Department Directors
Charles Anderson, Commission Auditor

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CHAPTER 1: EXECUTIVE SUMMARY

I. STUDY OVERVIEW

A. Study Team

Mason Tillman Associates, Ltd., (Mason Tillman) a public policy consulting firm based in Oakland, California, performed the 2014 Comprehensive Disparity Study (Study) for Miami-Dade County, Florida (County). Anderson and Associates, P.A., Infinite Source Communications Group, and Q-Q Research Consultants assisted Mason Tillman in the performance of the Study. The consultants performed data collection, surveying services and assisted in the planning and facilitation of the Public Participation Meetings.

Veronica Clark, Assistant to the Director for the Department of Regulatory and Economic Resources managed the Study. Ms. Clark facilitated Mason Tillman's access to the contract and procurement data needed to perform the Study.

B. Study Purpose

The purpose of the Disparity Study was to determine whether or not there was statistically significant underutilization in the award of the County's prime contracts and subcontracts to businesses owned by minorities and women (M/WBEs) in the market area during the study period. Under a fair and equitable system of awarding contracts, the proportion of contract dollars awarded to M/WBEs should be relatively close to the corresponding proportion of available M/WBEs¹ in the relevant market area. If the available M/WBE prime contractors or subcontractors are underutilized, a statistical test is conducted to calculate the probability of observing the empirical disparity ratio or any event which is less probable.

¹ Availability is defined as the number of ready, willing and able firms. The methodology for determining willing and able firms is detailed in Chapter 4.



C. Study Period and Industries

Prime contracts and subcontracts awarded from January 1, 2007 to December 31, 2011 constituted the universe of prime contracts and subcontracts studied. The analyzed contracts were classified into the four industries:

- **Construction:** the construction, reconstruction, or improvement of any facility
- **Architecture and Engineering:** professional services that are required by law to be performed by a California registered or licensed architect or engineer
- **Goods and Other Services:** petroleum products, industrial equipment and machinery, hydraulic equipment, and non-professional services

Miscellaneous and Other Professional Services: services not defined as architecture and engineering-related services.

D. Ethnic and Gender Groups Studied

Consistent with 49 CFR Section 26.5, the analysis of disparity was disaggregated into nine ethnic and gender groups. The nine groups are listed in Table 1.

Table 1: Business Ethnic and Gender Groups

Ethnicity and Gender Category	Definition
African American Businesses	Businesses owned by male and female African Americans
Asian American Businesses	Businesses owned by male and female Asian Americans
Hispanic American Businesses	Businesses owned by male and female Hispanic Americans
Native American Businesses	Businesses owned by male and female Native Americans
Women Business Enterprises	Businesses owned by Caucasian Females
Minority Business Enterprises	Businesses owned by African American, Asian American, Hispanic American, and Native American males and females



Ethnicity and Gender Category	Definition
Minority and Women Business Enterprises	Businesses owned by Minority Males, Minority Females, and Caucasian Females
Non-Minority Male Business Enterprises	Businesses owned by Caucasian Males, and businesses that could not be identified as Minority or Female-owned

E. Prime Contract Data

The data for the prime contractor utilization analysis includes contract awards and amendments compiled by the Department of Regulatory and Economic Resources Small Business Development, proposed budget amounts collected from bids and proposals on file with the County, and amendments provided by the County's and its contractors. All unique transactions are referred to as contracts.

Each County contract was classified into one of the four industries. Mason Tillman worked closely with the County to classify the contracts into the appropriate industry by using both object and organization codes. Each contract was classified by industry based mainly on the contract title and description. Cooperative agreements and contracts with non-profits, government agencies, utilities, and contracts designated as non-competitive purchases were excluded from the Study. After the industry classifications were approved by the County, the ethnicity and gender of each prime contractor was verified. Mason Tillman conducted research to reconstruct the ethnicity and gender for many prime contractors.

Ethnicity and gender identification is central to the validity of the prime contractor utilization analysis; therefore, Mason Tillman conducted research to reconstruct the ethnicity and gender for each prime contractor. The prime contractors' names were cross-referenced with certification lists, chambers of commerce lists, and business and trade organization membership directories. The prime contractors' websites were also reviewed for the business owners' ethnicity and gender. Prime contractors whose ethnicity and gender could not be verified through published sources were surveyed. Once the ethnicity and gender research was completed and the contract records were cleaned, the utilization analysis was performed. For purposes of the analysis, businesses that were employee-owned or publicly traded were also classified as non-minority male. Therefore Non-Minority Male-owned Business Enterprises is inclusive of these additional forms of business ownership.



F. Subcontractor Data

A subcontract dataset, maintained in the County's Oracle Financial System by the Internal Services Department Small Business Development (SBD), was provided for analysis. The SBD dataset contained subcontracts for 3.48 percent of the construction, architecture and engineering, and professional services prime contracts awarded during the study period. Therefore, extensive research was necessary to compile a more complete accounting of the construction, architecture and engineering, and professional services subcontracts awarded.

The reconstructed subcontract data were compiled by Miami-Dade County in conjunction with Mason Tillman. Project files and electronic databases were examined by County staff for awards, payments, and related documents identifying subcontractors. The County staff compiled prime contracts from their records, as well as 2,842 subcontractors. However, 84.9 percent of the subcontract records did not contain award or payment data, and only a few records included contact information.

In an effort to secure the award, payment, and contact information for each subcontract, the prime contractors were surveyed by Mason Tillman. The response rate to the survey was low. In addition, all the subcontractors that had contact information provided by the County were surveyed to verify the reported participation, and to secure the award and payment information for each contract received.

The ethnicity and gender of each business also had to be determined. This data was compiled from certification lists; membership lists of minority and women business organizations, Internet research, and the telephone surveys.

The comprehensive research undertaken identified 2,842 subcontracts in the three industries—a significantly large dataset containing both M/WBE and Non-M/WBE businesses, although the majority of the reconstructed subcontracts did not contain either an award, or payment amount. Without the award and payment amount, the subcontract analysis had to be based on the number of subcontracts awarded. The subcontract analysis of contracts awarded in each of the three industries was performed by ethnicity and gender.



G. Contract Thresholds

Contracts within each of the four industries were analyzed at three dollar levels. One level included all contracts. A second level included all contracts under \$250,000. The third level included informal contracts as defined in the procurement standards. As depicted in Table 2, the only industry with an informal contract threshold is goods and other services.

Table 2: Informal Contract Thresholds for Miami-Dade County

Industry	Informal Contract Threshold
Construction	None
Architecture and Engineering	None
Professional Services	None
Goods and Other Services	\$25,000 and under

II. METHODOLOGY

A. Legal Framework

The *City of Richmond v. J.A. Croson Co.*² (*Croson*) and related case law provided the legal framework for conducting the Disparity Study. Specifically, two United States decisions, *Croson* and *Adarand v. Peña*³ (*Adarand*), raised the standard by which federal courts review both local and federal government minority business enterprise and disadvantaged business enterprise contracting programs.

The City of Richmond, Virginia (City) adopted a Minority Business Utilization Plan (Plan) which required prime contractors awarded a City construction contract to meet a subcontract goal of at least 30 percent. The goal required 30 percent participation of minority businesses. The factual predicate for the plan included a statistical study demonstrating that 50 percent of the City's population was African American and the utilization of African Americans on the City's prime construction contracts was 0.67 percent. The plaintiff, J.A. Croson, Inc., was denied a waiver of the goal and challenged

² *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

³ *Adarand Constructors, Inc. v. Federico Peña*, 115 S.Ct. 2097 (1995).



the City's Plan under 42 U.S.C. 1983, and argued that it was unconstitutional under the Fourteenth Amendment's Equal Protection Clause. The court announced the longstanding legal precedent that programs employing racial classification would be subject to "strict scrutiny," the highest legal standard. Government agencies such as the County, as set forth in *Croson*, may adopt race-conscious programs only as a remedy for identified statistical findings of discrimination and the remedy must impose a minimal burden upon unprotected classes. *Croson* ruled that an inference of discrimination can be made *prima facie* if the disparity is statistically significant. For this study, this analysis was applied to M/WBEs by ethnicity and gender within the one industry.

Adarand, which the United States Supreme Court decided in 1995, directly challenged the USDOT's Disadvantaged Business Enterprise (DBE) Program as set forth in statute and regulations. The Court found a compelling interest for the USDOT DBE Program but ruled, after applying the *Croson* "strict scrutiny" standard, that the DBE Program was not narrowly tailored. In response, the USDOT amended its regulations in 1999 to include goals which can be met by race-neutral and race-specific means.

Following *Adarand*, there were several circuit court cases which challenged the constitutionality of the USDOT DBE regulations.⁴ Until the 2005 Ninth Circuit Court of Appeals decision in *Western States Paving Co. v. State of Washington Dept. of Transportation*⁵ (*Western States*), the challenges had been unsuccessful. However, *Western States* found that the State of Washington's DBE Program was facially constitutional, but determined the State's application of the regulations was invalid because it was not narrowly tailored to a finding of statistically significant underutilization of the respective minority groups.

The following critical components were performed for the County's Disparity Study.

⁴ *Sherbrooke Turf Inc. v. Minnesota Department of Transportation*, 345 F.3d 964, 969-73 (8th Cir. 2003); *Gross Seed Co. v. Nebraska Department of Roads*, 345 F.3d 964 (8th Cir. 2003); *Western States Paving Co. v. State of Washington Dept. of Transportation*, 407 F. 3d 983 (9th Cir. 2005); *Northern Contracting Inc. v. Illinois Department of Transportation*, 473 F.3d 715 (2007).

⁵ *Western States*, 407 F. 3d 983 (9th Cir. 2005)



Disparity Study Critical Components

1. Legal Framework
2. Utilization Analysis
3. Market Area Analysis
4. Availability Analysis
5. Disparity Analysis
6. Anecdotal Analysis
7. Recommendations
8. Regression Analysis

A legal review was the **first step** in the disparity study. Case law sets the standard for the methodology employed in a disparity study. **Step two** was to collect utilization records and determine the extent to which the County used M/WBEs to secure its needed goods and services. Utilization records were also used to determine the geographical area in which companies that received the County's prime contracts were located. In **step three**, the County's market area was identified. Once the market area was defined, the **fourth step**, the availability analysis, identified businesses willing and able to provide the goods and services needed by the County. In the **fifth step**, a disparity analysis was performed to determine whether there was a statistically significant underutilization of M/WBEs.

In **step six**, the anecdotal analysis, experiences of business owners in the market area were collected. In **step seven**, the statistical and anecdotal analyses were reviewed and recommendations were written to enhance the County's efforts in contracting with M/WBEs in the County. Additionally, a **regression analysis** was conducted to determine if factors other than discrimination could account for any statistically significant disparity.

B. Structure of the Report

The Disparity Study findings are presented in 11 chapters. The contents of each chapter are briefly described below

Overview of the Disparity Study Report

- *Chapter 1: Legal Analysis* presents the case law applicable to business affirmative action programs and the methodology based on those cases required for the Study
- *Chapter 2: Contracting and Procurement Policies Analysis* presents the County's contracting and procurement practices
- *Chapter 3: Prime Contractor Utilization Analysis* presents the distribution of prime contracts by industry, ethnicity, and gender
- *Chapter 4: Subcontractor Utilization Analysis* presents the distribution of subcontracts by industry, ethnicity, and gender



- *Chapter 5: Market Area Analysis* presents the legal basis for geographical market area determination and defines the County's market area
- *Chapter 6: Prime Contractor and Subcontractor Availability Analysis* presents the distribution of available businesses in the County's market area
- *Chapter 7: Regression and Private Sector Analysis* presents an examination of private sector economic indicators of discrimination in the County's market area which could impact M/WBE formation and development
- *Chapter 8: Anecdotal Analysis* presents the business community's perceptions of barriers and exemplary practices encountered in contracting or attempting to contract with the County
- *Chapter 9: Prime Contractor Disparity Analysis* presents prime contractor utilization as compared to prime contractor availability by ethnicity, gender, and industry and evaluates the statistical significance of any underutilization
- *Chapter 10: Subcontractor Disparity Analysis* presents subcontractor utilization as compared to subcontractor availability by ethnicity, gender, and industry and evaluates the statistical significance of any underutilization
- *Chapter 11: Recommendations* presents race and gender-neutral remedies to enhance the County's M/WBE Program and its contracting with M/WBEs and other small businesses

Appendix A: Judicial and Administrative Review

Appendix B: Historical Discrimination Report

Appendix C: Business Capacity Report

Appendix D: Prior Studies Comparison Report



III. NOTABLE FINDINGS

A. Utilization Analysis

The objective of the utilization analyses is to determine the level of M/WBE utilization as prime and subcontractors. This Study documents the County's utilization of M/WBE, DVBE and SBE prime and subcontractors by ethnicity and gender for the study period January 1, 2007 to December 31, 2011.

1. Prime Contractor Utilization Analysis

The County issued 6,401 contracts during the study period. The contract awards during the study period totaled \$1,843,468,055. Table 3 below summarizes the prime contractor utilization analysis by the percent of prime contract dollars awarded to each ethnic and gender group.

Table 3: Prime Contractor Utilization Summary

Ethnicity	Construction	Architecture and Engineering	Professional Services	Goods and Other Services
All Prime Contracts				
African American	1.84%	1.01%	6.14%	9.59%
Asian-Pacific Americans	0.03%	1.27%	10.17%	0.88%
Hispanic Americans	44.15%	25.34%	18.03%	17.74%
Native Americans	0.00%	0.00%	0.00%	0.00%
Caucasian Females	0.21%	3.25%	2.40%	9.66%
Non-Minority Males	53.77%	69.13%	63.26%	62.14%
Prime Contracts Under \$250,000				
African American	14.27%	3.58%	4.32%	10.07%
Asian-Pacific Americans	0.51%	3.84%	0.38%	1.79%
Hispanic Americans	70.71%	49.12%	29.12%	17.26%
Native Americans	0.00%	0.00%	0.00%	0.00%
Caucasian Females	0.35%	3.37%	5.39%	8.55%
Non-Minority Males	14.16%	40.09%	60.80%	62.34



2. Subcontractor Utilization Analysis

A total of 2,842 subcontracts were analyzed. Table 4 summarizes the subcontractor utilization by the percent of subcontracts received by each ethnic and gender group by industry.

Table 4: Subcontract Utilization Summary

Ethnicity	Construction	Architecture and Engineering	Professional Services
African American	2.76%	7.55%	4.44%
Asian-Pacific Americans	0.24%	4.23%	0.00%
Hispanic Americans	35.28%	56.50%	15.56%
Native Americans	0.08%	0.60%	0.00%
Caucasian Females	2.68%	6.34%	8.89%
Non-Minority Males	58.96%	24.77%	71.11%

B. Market Area Analysis

As established in *Croson*, the County cannot rely on society-wide discrimination as the basis for a race-based program but, is required to identify any discrimination within its own contracting jurisdiction.⁶ In *Croson*, the Court found the City of Richmond, VA's MBE Plan to be unconstitutional because there was insufficient evidence of discrimination in the local construction market.

Croson was explicit in saying that the local construction market was the appropriate geographical framework within which to perform statistical comparisons of business availability and business utilization.⁷ The identification of the local market area is particularly important because it is the geographic area within which the available businesses are enumerated. Although *Croson* and its progeny do not provide a bright line rule for the delineation of the local market area, taken collectively, the case law supports a definition of market area as within the geographic area where the jurisdiction spends a majority of its dollars.

⁶ *Croson*, 488 U.S. at 497 (1989).

⁷ *Croson*, 488 U.S. at 497 (1989).



During the study period the County awarded 6,401 prime contracts valued at \$1,843,468,055. The County awarded 87.17 percent of these contracts and 84.58 percent of dollars to businesses located in the Miami-Dade County. Given the distribution of the awarded contracts and the applicable case law, Miami-Dade County was defined as the market area. The analysis of contracts has been limited to an examination of contracts awarded to available market area businesses. Table 5 summarizes the market area analysis.

Table 5: Market Area Analysis

Market Area	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
All Industries				
Market Area	5,580	\$1,559,269,599	87.17%	84.58%
Outside Market Area	821	\$284,198,456	12.83%	15.42%
Total	6,401	\$1,843,468,055	100.00%	100.00%

C. Availability Analysis

When considering sources for determining the number of willing and able M/WBEs and non-M/WBEs in the market area, the selection must be based on whether two aspects about the population in question can be gauged from the sources. One consideration is a business' interest in doing business with the jurisdiction, as implied by the term "willing," and the other is its ability or capacity to provide a service or good, as implied by the term "able." A list of available professional service M/WBEs and non-M/WBEs was compiled. The distribution of the available businesses is presented in Table 7.

The businesses in the availability database were also classified according to NAICS code. The utilized firms in the availability lists were assigned the NAICS code as discussed above. The balance of the coding was derived from certification lists and Internet research. Tables 6 and 7 summarize the prime and subcontractor availability analyses.

Table 6: Prime Contractor Availability Analysis

Ethnicity	All Industries	Construction	Architecture and Engineering	Professional Services	Goods and Other Services
African American	15.03%	15.59%	7.00%	21.71%	15.82%
Asian-Pacific Americans	1.91%	1.06%	4.79%	2.67%	1.38%
Hispanic Americans	57.91%	69.05%	58.56%	53.52%	41.13%
Native Americans	0.03%	0.00%	0.00%	0.00%	0.14%
Caucasian Females	5.56%	3.35%	6.63%	8.57%	7.29%
Non-Minority Males	19.56%	10.95%	23.02%	13.52%	34.25%



Table 7: Subcontractor Availability Analysis

Ethnicity	Construction	Architecture and Engineering	Professional Services
African American	13.06%	7.06%	20.95%
Asian-Pacific Americans	0.93%	4.82%	2.55%
Hispanic Americans	60.95%	57.66%	52.28%
Native Americans	0.12%	0.17%	0.00%
Caucasian Females	3.40%	6.37%	8.38%
Non-Minority Males	21.53%	23.92%	15.85%

D. Contract Size Analysis

For the size analysis, the County's prime contracts and subcontracts were grouped into nine dollar ranges.⁸ Each industry was analyzed to determine the number and percent of contracts within each of the nine size categories. The size distribution of contracts awarded to Non-M/WBEs was then compared to the size distribution of contracts awarded to Non-Minority Females, Minority Females, and Minority Males.

Table 8 depicts all contracts awarded within the nine dollar ranges for all industries. Contracts valued at less than \$25,000 were 61.49 percent. Those less than \$50,000 were 70.22 percent. Those less than \$100,000 were 78.53 percent and those less than \$250,000 were 86.8 percent.

Table 8: Prime Contracts Size Analysis

Size	Non-Minority				Minority			
	Females		Males		Females		Males	
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	146	2.28%	1,202	18.78%	849	13.26%	1,739	27.17%
\$25,000 - \$49,999	22	0.34%	187	2.92%	79	1.23%	271	4.23%
\$50,000 - \$99,999	16	0.25%	180	2.81%	73	1.14%	263	4.11%
\$100,000 - \$249,999	17	0.27%	186	2.91%	47	0.73%	279	4.36%
\$250,000 - \$499,999	8	0.12%	93	1.45%	34	0.53%	182	2.84%
\$500,000 - \$999,999	14	0.22%	94	1.47%	29	0.45%	157	2.45%
\$1,000,000 - \$2,999,999	1	0.02%	40	0.62%	10	0.16%	90	1.41%
\$3,000,000 and greater	1	0.02%	56	0.87%	5	0.08%	31	0.48%
Total	225	3.52%	2,038	31.84%	1,126	17.59%	3,012	47.06%

⁸ The nine dollar ranges are \$1 to \$25,000; \$25,001 to \$50,000; \$50,001 to \$100,000; \$100,001 to \$250,000; \$250,001 to \$500,000; \$500,001 to \$750,000; \$750,001 to \$1,000,000; \$1,000,001 to \$3,000,000; and \$3,000,001 and greater.



IV. ANALYSIS OF STATISTICALLY SIGNIFICANT UNDERUTILIZATION

The objective of this chapter is to determine whether the portion of prime contracts awarded to Minority and Woman-owned Business Enterprises (M/WBE) was at parity with each ethnic and gender groups' availability. A test of statistical significance was applied to the group that had a disparity between its utilization and availability. Under a fair and equitable system of awarding contracts, the proportion of contract dollars awarded to M/WBEs should be relatively close to the corresponding proportion of available M/WBEs in the relevant market area.⁹ If the ratio of utilized M/WBE prime contractors to available M/WBE prime contractors is less than one, a statistical test is conducted to calculate the probability of observing the empirical disparity ratio or any event which is less probable. This analysis assumes a fair and equitable system.¹⁰ *Croson* states that an inference of discrimination can be made *prima facie* if the disparity is statistically significant. Under the *Croson* model, Non-Minority Male Business Enterprises are not subjected to a statistical test.

A disparity analysis was performed on all prime contracts and subcontracts awarded from January 1, 2007 to December 31, 2011. Disparity was found at both the prime contract and subcontract levels for several ethnic and gender groups at both dollar thresholds.

⁹ Availability is defined as the number of ready, willing, and able firms. The methodology for determining willing and able firms is detailed in Chapter 5.

¹⁰ When conducting statistical tests, a confidence level must be established as a gauge for the level of certainty that an observed occurrence is not due to chance. It is important to note that a 100 percent confidence level or a level of absolute certainty can never be obtained in statistics. A 95 percent confidence level is considered by the courts to be an acceptable level in determining whether an inference of discrimination can be made. Thus, the data analyzed here was done within the 95 percent confidence level.



A. Disparity Findings

1. Prime Contracts

As indicated in Table 9 disparity was found for African Americans, Asian Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises construction prime contractors for all contracts. Disparity was found for Asian Americans and Women Business Enterprises construction prime contractors at the formal contract level.

**Table 9: Prime Contract Disparity Summary
January 1, 2007 to December 31, 2011**

Ethnicity/Gender	All Prime Contracts	
	All Prime Contracts	Prime Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Underutilization
Asian Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Overutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization



2. Subcontracts

As indicated in Table 10 below, disparity was found for African American, Hispanic American, Minority Business Enterprise, and Minority and Women Business Enterprise construction subcontractors.

Disparity was also found for African American professional services subcontractors.

**Table 10: Subcontract Disparity Summary
January 1, 2007 to December 31, 2011**

Ethnicity / Gender	Construction	Professional Services
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	----	Overutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	Overutilization
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Underutilization	Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization

V. **ANECDOTAL FINDINGS**

In addition to requiring a statistical analysis, the United States Supreme Court in *Croson* stated that anecdotal findings, “if supported by appropriate statistical proofs, lend support to a [local entity’s] determination that broader remedial relief [is] justified.” *Croson* authorizes anecdotal inquiries along two lines. The first approach examines barriers attributed to the local entity. Such action is defined as the active participation of the government entity. The second approach examines whether the local entity was essentially a passive participant of exclusion practiced by its prime contractors.

A. **Summary of In-Depth Interviews**

Two methods were used to elicit anecdotal information. Individuals were identified from outreach efforts to prime contractors, subcontractors, suppliers, and trade and business organizations. Attendees at the business community meetings were contacted to determine their willingness to participate in an anecdotal interview. All of the



interviewees were Florida business owners and provided construction, architecture and engineering, professional, or goods and other services.

A set of probes was used for the interviews to uniformly elicit information regarding the interviewee's experience doing business with and within the County. The probes addressed all aspects of operating a business from formation to development.

The patterns and practices evident in the interviewee accounts have been grouped into 17 categories. The categories are as follows:

- Racial and Gender Barriers
- Sexual and Racial Harassment
- Disparate Standards of Review
- Difficulty with the Contracting Community
- Presence of a Good Old Boys Network
- Impediments to the Bid Process
- Inadequate Lead Time to Prepare Bids
- Problems with Supplier Agreements
- Difficulty Meeting Prequalification Requirements
- Barriers to Financial Resources
- Criteria for Bonding
- Late Payments from the County
- Late Payments from Prime Contractors
- Implementation of the Community Small Business Enterprise Program
- Exemplary County Business Practices
- Contrasts between Public Sector and Private Sector Experiences
- CSBE and M/WBE Program Enhancements

VI. RECOMMENDATIONS

Race and gender-neutral recommendations are offered to increase M/WBE access to the County's prime and subcontracts and to track, monitor, report, and verify M/WBE prime contractor and subcontractor utilization. The recommended strategies address all industries and apply to all ethnic and gender groups. The recommendations are derived from an analysis of the County's Small Business Enterprise Program, a review of the County's web page, anecdotal interviews, and government and corporate best management practices.



A. Administrative Strategies

- Standardize SBE Goals throughout all County Departments
- Standardize and the Dissemination of the County's Procurement Procedures to all Departments
- Authorization to Approve Subcontractor Waivers
- Evaluate Staff Compliance with the SBE Program
- Expand the Advisory Board's Function
- Establish a SBE Ombudsperson Position

B. Pre-Award Recommendations

- Expand Unbundling Policy
- Establish a Direct Purchase Program for Construction Contracts
- Promote Diversity in Distributorships
- Advertise Small Contracts Bond Provisions
- Pay Mobilization to Subcontractors
- Disseminate the Procedures for the County's Equitable Distribution Program for Architecture and Engineering Consultants
- Maintain Virtual Plan Room
- Revise Insurance Requirements
- Review Selection Panel Process
- Distribute Bid Protest Procedures
- Enhance MWBE Outreach Campaign

C. Post-Award Recommendations

- Institute a Payment Verification Program
- Publish Prime Contractor Payments
- Track All Subcontractors
- Conduct Routine Post-Award Contract Compliance Monitoring
- Assess Penalties for Not Achieving the M/WBE and SBE Contract Goals
- Publish MWBE Utilization Reports
- Develop Contract Opportunities Forecast



D. Website Recommendations

- Provide Accessibility for Visually Impaired Individuals
- Provide Option to Enlarge Text
- Provide Text-to-Speech Feature
- Offer Mobile-Optimized Website

E. Data Management Strategies

- Track and Monitor M/WBE and SBE Prime and Subcontractors in on Centralized Financial Management System
- Use a Unique Identifier for all Contracts Regardless of Procurement Type
- Track and Monitor Pre-Award Subcontractor Commitments
- Improve Oversight of Noncompetitively Bid Contracts
- Uniformly Capture Ethnicity and Gender for Contractors/Vendors
- Require a M/WBE Utilization Plan with the Bid
- Track, Verify, and Report M/WBE Participation Monthly by Task Order
- Assess Penalties for Not Achieving the Project Goal Set on Each Task Order



CHAPTER 2: CONTRACTING AND PROCUREMENT POLICIES

I. Introduction

This chapter provides an overview of the Miami-Dade County (County) procurement policies. The relevant codes and regulations governing Miami-Dade County procurement are the subject of the review.

II. GOVERNING LAWS AND REGULATIONS

The applicable laws governing Miami-Dade County's purchase of construction, architecture and engineering, professional services and goods and other services for procurement include:

Table 1.011: Governing Laws and Regulations

State of Florida Laws
The 2012 Florida Statutes, Title XIX, Chapter 287, Sections 287.055 and 287.057
Miami-Dade County Ordinances and Code
Code of Metropolitan Dade County, Florida, Part III Chapter 2, Article I, Section 2-8.1 Code of Metropolitan Dade County, Florida, Part III Chapter 2, Article I, Section 2-8.1.1.1.1 Code of Metropolitan Dade County, Florida, Part III Chapter 10, Article II, Section 10-33.02 Miami-Dade County Administrative Order 3-39 Miami-Dade County Administrative Order 3-41 Miami-Dade County Implementing Order 3-38



A. State of Florida Laws

1. Florida Statutes, Title XIX, Chapter 287, Sections 287.055 and 287.057

Florida Statute 287.055 of Title XIX, Chapter 287, also referred to as the Consultants' Competitive Negotiation Act (CCNA), applies to the procurement of architecture, engineering, landscape architecture, registered surveying and mapping, and design-build projects. The CCNA sets forth specific requirements for competitive bid selection and competitive price negotiation for the procurement of design services. Statute 287.057 establishes standards for the procurement of commodities and contractual services.

B. Miami-Dade County Administrative Policies

1. Code of Metropolitan Dade County Florida, Part III

The Code of Metropolitan Dade County, Florida, establishes the power of elected officials to regulate legislative actions within Miami-Dade County. The code authorizes the Mayor and the Board of County Commissioner to legislate through Administrative Orders and Implementing Orders.

2. Miami-Dade County Implementing Order

Implementing Orders establish specific Board of County Commissioner legislation and policies under its authority. Implementing Orders are submitted to the Board of County Commissioners to be accepted, amended, or rejected.

III. INDUSTRIES AND DEFINITIONS

A. Industries

Miami-Dade County procurements are classified into four industries. The four industries are as follows:

Professional Services: professional services other than architecture and engineering.

Goods and Other Services: supplies, materials, goods, merchandise, food, equipment, information, technology, other personal property, and work that does not consist primarily of goods including maintenance, security, and training programs.

Architecture and Engineering Services: professional architecture, engineering, landscape architecture, land surveying, mapping services, and design-build services.



Construction Services: labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvement to real property including Construction Manager-at-Risk.

B. Definitions

1. Terminology

Adjusted Bid: an evaluation process wherein proposals are assigned point values according to a rating system. Qualitative aspects are scored and totaled on a scale from 0 to 100 points; price is divided by the score yielding an adjusted bid.

Competitive Selection Committee: a committee appointed by the County Manager to evaluate the qualifications and performance of the firms requesting consideration for specific projects.

Equitable Distribution Program (EDP): a method of procuring architectural and engineering services with construction cost valued at less than \$2,000,000, and design services valued at less than \$200,000. It is also the County's standard method of procuring architectural and engineering services unless exempted in writing by the County Manager. Contractors are required to be in business for a minimum of one year, and to have a place of business in the County.

Prequalification Certificate: an annual certification for all prime consultant or subconsultant firms required at the time of proposal submission deadline.

Vendor Registration: required to be awarded a County contract. The Vendor Assistance Unit handles the registration.

Small Business Enterprise Programs: the Small Business Enterprise Program, Community Small Business Enterprise Program, and the Community Business Enterprise Program are designed to increase contracting opportunities for small businesses. Certification is required for participation in the Programs.

2. Solicitation Methods

Invitation to Bid: The Invitation to Bid (ITB) is used when the scope of work required can be specified. The ITB must include a detailed description and price for each year if the department contemplates renewal of the contract. Responses must be received in a sealed envelope. For a multi-year bid, the total yearly cost will be considered in bid evaluations.

Request for Proposals: The Request for Proposals (RFP) is used when the purpose and scope for the commodity or contractual service can be specifically defined, and the deliverables identified. Before utilizing the RFP, the department must specify in writing the impracticability of using an ITB. The RFP must include the description of the



deliverables, the evaluation criteria, and the price for each year for a multi-year contract. Responses must be received in a sealed envelope. The total cost for each year of the contract will be considered in the bid evaluation process. The contract is awarded by written notice to the most responsible and responsive bidder whose proposal is determined to be the most advantageous to the County.

Invitation to Negotiate: The Invitation to Negotiate (ITN) is used to determine the best method to procure a good or service. The ITN identifies one or more responsive vendors that the County may negotiate in order to receive best value. Before using the ITN, the department must determine in writing whether an ITB or the RFP is not practical. Responses must be received in a sealed envelope. The evaluation criteria must be specified. The contract is awarded to the responsible and responsive bidder who will provide the best value to the County.

IV. PROCUREMENT PROCESS OVERVIEW

The Miami-Dade County Procurement Management Division establishes guidelines and accountability for the expenditure of taxpayer funds to procure goods and services used by all County departments and offices. The process used to procure goods and services should provide the best value for the County, while providing an open and fair process for vendors.

It is the policy of Miami-Dade County to purchase goods and services through an open and competitive process in order to obtain the best value for taxpayers and to promote equitable economic participation by all segments of the County. When competition is not available—or when it is determined in the best interest of the County to utilize means other than full and open competition—the County is authorized to purchase through a bid waiver, sole source, or emergency procurement.

All vendors regularly engaged in the type of work specified in a solicitation are encouraged to submit bids. Vendors may enroll with the County to be included on a notification list for selected categories of goods and services. To be eligible for the award of a contract (including small purchase orders), a bidder must be a Registered Vendor.

The County Manager is authorized to pursue electronic commerce and online procurement of goods and services through the use of electronic means, including the use of electronic signatures. Procurement by electronic means includes, but is not limited to, the advertising and receipt of competitive sealed bids, competitive sealed proposals and informal quotations, reverse auctions, and any other current or future procurement method or process.



A. Informal Procurements

1. Purchasing Cards

Purchasing cards are utilized to secure goods and other services valued at less than \$500 for legitimate County business purposes. Individual purchases are limited to \$500 per item. There is also a daily maximum of \$2,000 and a monthly limit of \$10,000 per card.

2. Goods and Other Services Valued at \$25,000 or Less

Small purchases orders are used for the procurement of goods and services valued at \$25,000 or less. The user department director or their authorized designees has the discretion to solicit small purchases. The director is responsible for—and is held accountable for—the department's appropriate use of small purchase orders.

3. Goods and Other Services Valued between \$25,000 and \$250,000

Contracts for goods and other services valued between \$25,000 and \$250,000 are procured through an open and competitive process. Formal bids are not required for contracts under \$250,000 but may be advertised. The solicitation must include the measures approved by the Review Committee relating to the County's Small Business Enterprise Program, and must use language indicating that a bidder's performance as a prime or subcontractor on previous County contracts will be taken into account in the evaluation process. County departments are required to solicit bids or quotes from at least four businesses where available (two micro enterprises and two non-certified firms) for contracts of \$50,000 and under. All bids are awarded by the Mayor or the Mayor's designee.

When the contract is valued at \$100,000 or more (where the contract specifications do not expressly preclude the use of subcontractors), the prime contractor must list all first-tier subcontractors, including the race, gender, and ethnic origin of the owners and employees. The contractor must also pay employees providing the covered services no less than the applicable Living Wage. Proposed awardees must have a complete Miami-Dade County Vendor Registration application on file with the Internal Services Department prior to award. As a condition of award, any contractor receiving a contract from Miami-Dade County must verify that all delinquent and current fees are paid.



B. Formal Procurements

1. Goods and Other Services Valued More than \$250,000

Contracts for supplies, materials, and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 of the Code of Metropolitan Dade County, Florida, and Florida Statute 287.055) valued more than \$250,000 are procured through formal sealed written bids. Advertisement for bids must include the bid opening date and the measures approved by the Review Committee relating to the Small Business Enterprise Program. The advertisement also includes language indicating that a bidder's performance as a prime or subcontractor on previous County contracts will be taken into account in the evaluation process. Competitive price bidding, requests for proposals, or requests for qualifications may be used for the selection of a contractor. Bids are awarded by the Mayor or the Mayor's designee.

2. Architecture and Engineering Services with Construction Cost Valued at Less than \$2,000,000 and Professional Services Valued at Less than \$200,000

Contracts for Architecture and Engineering Services with construction cost valued at less than \$2,000,000 are procured through the Equitable Distribution Program (EDP). The user department will submit a detailed scope of work to the Office of Capital Improvements Construction Coordination (CICC) for assignment of appropriate design professionals from the EDP, or will obtain written authorization from CICC to utilize an existing contract. When an existing contract is not used, CICC will provide to the user department the next available three primes and four subconsultants from the EDP rotation list. The user department will select the most qualified firm.

The user department must document the factors used to determine the most qualified firm. If a prime contractor is certified in all of the required technical certification categories, selection of EDP subconsultants from the top of the rotation is waived. All work must then be performed by the prime contractor's workforce. A prime or subconsultant may refuse a work assignment without a reasonable justification only twice per calendar year. After the second refusal, the contractor will be suspended until further review. CICC has the authority to bypass a business in the EDP rotation based on the volume of work or unique expertise required within a category, if deemed in the best interest of the County.



3. Architecture and Engineering Services with Construction Cost Valued at \$2,000,000 or More and Professional Services Valued at \$200,000 or More

Contracts for architecture and engineering services with construction cost valued at \$2,000,000 or more and professional services valued at \$200,000 or more are procured through a competitive process. The user department submits a request to advertise to the Office of Management and Budget (OMB) to certify funding availability. Relevant data is submitted to the Review Committee to establish project measures. The Review Committee may also deem it appropriate to award the contract without competition. The user department prepares the request to advertise upon certification from OMB and assignment of project goals by the Committee. The solicitation is submitted to the County Attorney's Office to ensure legal sufficiency. The solicitation containing a detailed scope of work and design criteria is thereafter submitted to CICC for review. CICC submits the solicitation to the County Manager's Office for concurrence and approval. Upon approval, CICC forwards a copy to the user department and to the Architectural and Engineering Division of CICC to proceed with advertisement.

CICC publishes the announcement in a newspaper of general circulation and on the Internet. The announcement, and a Notice to Professional Consultants (NTPC) detailing the scope of services, is made available at the Vendor Information Center. The public announcement must contain the procedure used to obtain the NTPC. Businesses interested in providing professional services for the County must have an active Prequalification Certification, issued by the County prior to the submittal deadline of any solicitation. The certification must be maintained without lapse throughout the course of the project.

The selection process is composed of a two-tier system. The Selection Committee may waive the second-tier selection process and base the selection on the results of the first-tier ranking. Each member of the Selection Committee scores the applications in each tier. A minimum of three firms should be identified in the first tier to advance to the second tier. The second-tier evaluation allows the top-ranked firms to submit additional information, and may involve an oral presentation. The final ranking, based on the highest overall second-tier score—or first-tier score if the second-tier is waived—will be forwarded to the County Manager for approval. The County Manager will select the top-firm recommended by the Selection Committee, and appoint a Negotiation Committee to negotiate a contract. Should the Negotiation Committee be unable to negotiate a satisfactory contract with the firm ranked number one by the County Manager, the Negotiation Committee will then undertake negotiations with the next-ranked firm.

4. Design-Build Services

Design-build contracts are procured through CICC using a design criteria package. The design criteria package is prepared by a design professional. The design professional is a licensed professional engineer for engineering projects, a licensed professional architect



for architectural projects, or a licensed professional landscape architect for landscape architecture projects. The design professional is selected in accordance with Section 287.055 of Florida Statutes. CICC is responsible for coordinating design-build solicitations with the user department. The design criteria professional is responsible for the evaluation of the responses received from design-build contractors. The design criteria professional is not eligible to render services under the design-build contract for which its services are provided. This prohibition is extended to all of the design criteria professional's subconsultants.

The evaluation process for the selection of the best value design-build proposal is based on either the adjusted bid process, or on the project requirements as determined by the County Manager. The qualitative aspects of the evaluation are based on the first and second-tier selection criteria. Following the completion of the Competitive Selection Committee's evaluations, price estimates may be considered to the extent specified in the NTPC. The three lowest adjusted bids, or the contractor providing the best value to the County, will be recommended for negotiations. In the event two or more firms receive identical lowest adjustable bids, the tiebreaker will be based on the criteria in the second-tier evaluation process.

5. Construction Services Valued at \$500,000 or Less

Construction services contracts valued at \$500,000 or less are procured through the County Manager, who is authorized to advertise the RFP and award the contract. The specifications for each competitively bid County contract in excess of \$100,000 for the construction, alteration and/or repair of public buildings or public works will specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts.

6. Construction Services Valued at More than \$500,000

Contracts for construction services valued at more than \$500,000 are procured through a competitive process. The user department submits a Request to Advertise to the Office of Management and Budget to certify funding availability, and to the Review Committee to establish project measures or set asides as appropriate. Upon certification from OMB and assignment of project goals by the Review Committee, the user department prepares the Request to Advertise. The solicitation is submitted to the County Attorney's Office for approval as to legal sufficiency. The detailed scope of work and design criteria is submitted to the CICC for review. CICC submits the solicitation to the County Manager's Office for approval, and forwards a copy of the approved solicitation to the user department, and to the Architectural and Engineering Division of CICC, to proceed with the advertisement. CICC then submits a recommendation to the County Manager's Office, and the user department prepares an Invitation to Bid (ITB). When bids are received and opened, the user department makes an award recommendation to the County Manager.



7. Construction Manager-at-Risk Services

The Construction Manager-At-Risk (CM-at-Risk) method of contracting is typically applied to highly complex projects where the value of obtaining expert oversight of the design phase and contracting phase justify the increased cost and administrative burden. The user department must submit the Request to Advertise for a CM-at-Risk design criteria package, along with the reason for using CM-at-Risk, and an explanation of the current status of the project design to the County Manager. The County Manager approves the use of the CM-at-Risk method based on a review of each individual application.

C. Noncompetitive Procurements

1. Sole Source Procurements

A sole source purchase is the procurement of goods and contractual services for which no other vendor is available that can compete to provide the goods or contractual services; and there is no other supplier who can provide an equal product or service. Approval to waive full and open competition may be granted by the Internal Services Department (ISD) Director. Sole source purchases exceeding \$250,000 must be approved by the Board of County Commissioners.

2. Bid Waivers

A bid waiver is the purchase of goods or contractual services without formal competitive bidding when it is in the best interest of the County. Formal competition may be waived by the ISD Director for expenditures up to \$250,000, and by the Board of County Commissioners for awards greater than \$250,000.

3. Emergency Purchases

Emergency purchases are unanticipated purchases for urgent and immediate needs for contractual services where the protection of life, health, safety, or welfare of the community or the preservation of public properties would not be possible using any other method of procurement.

4. Unsolicited Proposals

Any person or legal entity may submit an unsolicited proposal to provide services to the County to contract for the design, construction, operation, ownership, acquisition, or leasing of public infrastructure in excess of \$15,000,000. The County will charge a fee to process, review, and evaluate the unsolicited proposal. The County shall require an initial processing fee of \$25,000. The Mayor or his designee will determine within 90 days whether or not to accept the unsolicited proposal, and the Board of County



Commissioners will make the final determination whether or not to publish a proposal. If the County accepts the unsolicited proposal for publication, then the Mayor or his designee will publish a competitive solicitation statement and accept additional proposals for ninety days. The Mayor or his designee will evaluate all the competing proposals and rank them in order of preference utilizing the published criteria. The Mayor or his designee may negotiate with the top-ranked proposers in the order of their ranking to award the contract.

D. Exemptions

1. Contracts from other Government Entities

The ISD Director may award a contract by accessing the competitively solicited contract of another governmental, quasi-governmental entity, or not-for-profit organization, provided the goods or services are not available through an existing Miami-Dade County contract at the same or lower price. When the expenditure exceeds \$1,000,000, the ISD Director must prepare a recommendation for the County Mayor's consideration. The County Mayor will consider, and may present, the recommendation to the Board of County Commissioners for award.

V. SMALL BUSINESS PROGRAMS

The County has three small business programs — Small Business Enterprise (SBE) program, the Community Small Business Enterprise (CSBE) program, and the Community Business Enterprise (CBE) program. The Small Business Development office (SBD) oversees the programs and works with user departments to define their contract measures including set-asides, subcontract goals, bid preferences, and selection factors to ensure that not less than ten percent of the County's total annual contract expenditures are awarded to program participants. Each program targets a specific industry, and differs by eligibility standard and application. The eligibility requirements and program application for each program are outlined below.

A. Small Business Enterprise Program

1. Eligibility Requirements

The SBE program applies to all County contracts for the purchase of goods and contractual services, including professional services other than architectural or engineering services. The Program incorporates two business sectors: Micro Enterprises and SBEs. SBEs and Micro Enterprises must be licensed, for-profit entities with a physical location in the County. The business must have a three-year average gross revenue that does not exceed \$2,000,000 for Micro Enterprises and \$5,000,000 for SBEs. The term "SBE" also includes a manufacturer with 100 or fewer employees, or a wholesaler with 50 or fewer employees, without regard to gross revenues. The business must be established for at least one year. Each business is certified by the type of goods



and/or services provided in accordance with the applicable Standard Industry Classification or North American Industry Classification System (SIC/NAICS) category, or NIGP commodity code, in which the business is licensed. Certification is valid for a three-year period.

2. Program Application

A minimum of ten percent of the total value of contracts for \$50,000 or less must be awarded to Micro Enterprises. An automatic ten percent bid preference will be applied to bids or quotes submitted by Micro Enterprises. County departments are required to solicit bids or quotes from at least four businesses, two certified Micro Enterprises, and two non-certified businesses.

Contracts valued at more than \$50,000 must be reviewed for the application of contract measures. County departments must submit contracts to SBD for review prior to advertisement and work in conjunction with SBD in making recommendations for award

B. Community Small Business Enterprise Program

1. Eligibility Requirements

The Community Small Business Enterprise Program (CSBE) is specifically for independent construction companies. CSBEs must be licensed, for-profit businesses with a physical location in the County. A firm can be certified as a CSBE only if the applicant owns at least ten percent, of the business and possesses the licenses necessary to satisfy the qualifying requirements. The business is not eligible to participate if the net worth of any of its owner(s) is more than \$1,500,000.

A CSBE must be certified by the Department of Regulatory and Economic Resources (RER). This certification is used to determine the contracting participation level in which the CSBE will be placed. Placement is based on the average annual gross revenues for the last three years. The contracting participation levels are as follows:

- Level I—three-year average annual gross revenues less than or equal to \$2,000,000
- Level II—three-year average annual gross revenues greater than \$2,000,000, but not exceeding \$5,000,000
- Level III—three-year average annual gross revenues greater than \$5,000,000, but not exceeding \$10,000,000

Each CSBE is certified by the type of construction it performs in accordance with the applicable SIC/NAICS category. A CSBE can be certified using an unlimited number of SIC/NAICS codes and trade categories. The certification is valid for three years.



2. Program Application

Each County department will compile a list of its proposed capital projects, renovations, and major repairs for the fiscal year. Each department forwards the list to SBD for use in the formulating the CSBE goals. Each individual construction contract, purchase, or blanket purchase of services will be reviewed for application of contract set-asides, trade set-asides, aggregate set-asides, or subcontractor goals. SBD prepares standard bid participation provisions, which each department utilizes to meet program goals.

C. Community Workforce Program

Miami-Dade County has established a Community Workforce Program applicable to capital construction contracts valued at \$250,000 or more when the project is located in a Designated Target Area (DTA). The DTA is the geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone. The designation refers to any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area, Community Development Block Grant, Eligible Block Group, or Focus Area. Projects in these areas are subject to a workforce goal as established by SBD, in which the awarded firm is required to obtain a minimum of ten percent of its labor force from the project area.

D. Community Business Enterprise Program

1. Eligibility Requirements

The Community Business Enterprise Program (CBE) applies to contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services. CBEs must be licensed, for-profit businesses with a physical location in the County. The applicant qualifier of the business must have at least a twenty-five percent ownership interest. The CBE's three-year average annual gross revenues must not exceed \$2,000,000 for tier 1 CBEs, \$4,500,000 for tier 2 CBEs in the case of architectural services, or \$6,000,000 for tier 2 CBEs in the case of landscape architectural, engineering or surveying and mapping services. A CBE will graduate out of the Program once it has exceeded the tier 2 size limits based on its three year average annual gross revenues. As part of the certification process, CBEs must go through a technical certification process, which will be used to determine in which specific technical certification category the CBE will be placed. Certification is valid for a three-year period.

2. Program Application

The departments must compile a list of its proposed capital projects, renovations, and major repairs, and forward the list to SBD for use in CBE goal setting. SBD will notify departments of the recommended agreement set-aside or subconsultant goals for tier 1 and tier 2. Each department shall review anticipated contracts for application of these goals in order to meet program CBE goals.



CHAPTER 3: PRIME CONTRACTOR UTILIZATION ANALYSIS

I. INTRODUCTION

This chapter documents Miami-Dade County's (County) utilization of M/WBE prime contractors by ethnicity and gender during the study period January 1, 2007 to December 31, 2011. The analysis is limited to the contracts awarded by five County departments: (1) Parks, Recreation and Open Spaces; (2) Public Works and Waste Management; (3) Water and Sewer; (4) Public Housing and Community Development; and (5) Internal Services. The contracts awarded by the five departments during the study period were classified into four industries: construction, architecture and engineering, professional services, and goods and other services. *Construction* includes labor, services, and materials provided in connection with construction, alteration, repair, demolition, reconstruction, or any other improvement to real property, including construction manager-at-risk. *Architecture and Engineering* includes professional architecture, engineering, landscape architecture, land surveying, mapping services, and design-build services. *Professional Services* includes professional services other than architecture and engineering. *Goods and Other Services* includes supplies, materials, goods, merchandise, food, equipment, information, technology, other personal property, and work that does not consist primarily of goods, including maintenance, security, and training programs. Hereafter, the reference to the County's prime contracts is limited to the five departments.

The data in the Disparity Study (Study) are disaggregated into eight ethnic and gender groups. The eight groups are listed in Table 3.01.

Table 3.01: Business Ethnic and Gender Groups

Ethnicity and Gender Category	Definition
African American Businesses	Businesses owned by Male and Female African Americans
Asian American Businesses	Businesses owned by Male and Female Asian Americans
Hispanic American Businesses	Businesses owned by Male and Female Hispanic Americans



Ethnicity and Gender Category	Definition
Native American Businesses	Businesses owned by Male and Female Native Americans
Minority Business Enterprises	Businesses owned by African American, Asian American, Hispanic American, and Native American Males and Females
Women Business Enterprises	Businesses owned by Caucasian Females
Minority and Women Business Enterprises	Businesses owned by Minority Males, Minority Females, and Caucasian Females
Non-Minority Male Business Enterprises	Businesses owned by Caucasian Males, and businesses that could not be identified as Minority or Female-owned ¹¹

II. PRIME CONTRACT DATA SOURCES

The prime contractors that the five departments awarded were extracted from the County's financial system. The awards were issued during the January 1, 2007 to December 31, 2011 study period. Each unique agreement is referred to as a contract.

Each contract was classified into one of the four industries. The industry classifications were reviewed and approved by the County. Non-profits, government agencies, and utilities were excluded from the analysis. Prime contracts with award dates **outside** the study period of January 1, 2007 to December 31, 2011 were also excluded.

After approval of the industry classification by the County, the ethnicity and gender of each prime contractor was verified. To determine the prime contractor's ethnicity and gender, the business name was cross-referenced with certification lists. Internet research was also conducted. Prime contractors whose ethnicity and gender could not be verified through published sources were surveyed. Once the ethnicity and gender research was completed and the contract records were cleaned, the utilization analysis was performed.



¹¹ See Section II: Prime Contract Data Sources for the methodology employed to identify the ethnicity and gender of the County's utilized prime contractors.

III. PRIME CONTRACTOR UTILIZATION THRESHOLDS

Contracts within each of the four industries were analyzed at three dollar levels. One level included all contracts. A second level included all contracts under \$250,000. The third level included informal contracts as defined in the procurement standards. As depicted in Table 3.02, the informal contract threshold is \$25,000 and under for goods and other services.

Table 3.02: Informal Contract Thresholds for Miami-Dade County

Industry	Informal Contract Threshold
Construction	None
Architecture and Engineering	None
Professional Services	None
Goods and Other Services	\$25,000 and under

IV. PRIME CONTRACTOR UTILIZATION

A. All Prime Contractors

As depicted in Table 3.03, the County issued 6,401 prime contracts during the January 1, 2007 to December 31, 2011 study period. The 6,401 prime contracts included 3,723 for construction, 754 for architecture and engineering, 155 for professional services, and 1,769 for goods and other services.

The payments made by the County during the study period totaled \$1,843,468,055 for all 6,401 prime contracts. Payments included \$1,399,556,250 for construction, \$337,014,217 for architecture and engineering, \$8,992,266 for professional services, and \$97,905,321 for goods and other services.



**Table 3.03: Total Prime Contracts and Dollars Expended:
All Industries, January 1, 2007 to December 31, 2011**

Industry	Total Number of Contracts	Total Dollars Expended
Construction	3,723	\$1,399,556,250
Architecture and Engineering	754	\$337,014,217
Professional Services	155	\$8,992,266
Goods and Other Services	1,769	\$97,905,321
Total Expenditures	6,401	\$1,843,468,055

B. Highly Used Prime Contractors

The County awarded a total of 6,401 construction, architecture and engineering, professional services, and goods and other services prime contracts during the study period. As depicted in Table 3.04, the County's 6,401 prime contracts were received by 1,382 unique vendors.

Table 3.04: Total Prime Contracts

Total Prime Contracts	6,401
Total Utilized Vendors	1,382
Total Expenditures	\$1,843,468,055

An analysis was performed to determine the number of vendors that received at least 70 percent of the dollars awarded by the County. The analysis determined that 54 vendors received 70.1 percent of the total prime contract dollars. The 54 vendors represented 3.91 percent of the 1,382 vendors.



Table 3.05 below presents the most highly used prime contractors according to the number of contract dollars awarded. Fifty-four of the 1,382 vendors received \$1,292,957,398 or 70 percent of the total prime contract dollars. The finding illustrates that a small group of prime contractors received the majority of the County's contract dollars.

Table 3.05: All Prime Contracts Distributed by Number of Vendors

Vendors	Total Dollars	Percent of Dollars¹²	Number of Contracts	Percent of Contracts¹³
54 Highly Used Vendors	\$1,292,957,398	70%	423	7%
1,382 Total Vendors	\$1,843,468,055	100%	6,401	100%

Table 3.06 illustrates the ethnicity and gender of 19 of the 54 most highly used prime contractors, who received 50.15 percent of the dollars awarded. The 19 most highly used prime contractors were Non-Minority Male and Hispanic American businesses. The contracts received by these 19 businesses ranged from \$4,244 to \$121,814,948.

Table 3.06: Top 19 Highly Used Prime Contractors

Ethnicity/ Gender¹⁴	Total Dollars	Percent of Dollars	Number of Contracts	Percent of Contracts
Hispanic Americans	\$282,833,930	15.34%	67	1.05%
Non-Minority Males	\$641,788,727	34.81%	38	0.59%

¹²Percentages are rounded to the nearest whole number.

¹³ Percentages are rounded to the nearest whole number.

¹⁴ African Americans, Asian Americans, Native Americans, and Caucasian Females were omitted from the table because they were not highly used.



C. Highly Used Construction Prime Contractors

The County awarded a total of 3,723 construction prime contracts during the study period. As depicted in Table 3.07, the 3,723 construction prime contracts were received by 439 unique vendors.

Table 3.07: Construction Prime Contracts

Total Prime Contracts	3,723
Total Utilized Vendors	439
Total Expenditures	\$1,399,556,250

An analysis was performed to determine the number of vendors that received at least 70 percent of the construction prime contract dollars. There were 28 vendors representing 6.38 percent of the 439 vendors that received 70 percent or \$975,625,820 of the prime contract dollars.

Table 3.08 below presents the distribution of the County's construction prime contracts by the number of highly used vendors. The finding illustrates that a small group of prime contractors received the majority of the County's construction prime contract dollars.

Table 3.08: Construction Prime Contracts Distributed by Number of Vendors

Vendors	Total Dollars	Percent of Dollars ¹⁵	Number of Contracts	Percent of Contracts ¹⁶
28 Highly Used Vendors	\$975,625,820	70%	260	7%
439 Total Vendors	\$1,399,556,250	100%	3,723	100%

¹⁵ Percentages are rounded to the nearest whole number.

¹⁶ Percentages are rounded to the nearest whole number.



Table 3.09 illustrates the ethnicity and gender of 10 of the 28 most highly used construction prime contractors, that received 49.87 percent of the construction dollars. The 10 most highly used construction prime contractors were Non-Minority Male and Hispanic American businesses. The contracts received by these 10 businesses ranged from \$66,795 to \$121,814,948.

Table 3.09: Top 10 Highly Used Construction Prime Contractors

Ethnicity/ Gender¹⁷	Total Dollars	Percent of Dollars	Number of Contracts	Percent of Contracts
Hispanic Americans	\$173,328,376	12.38%	48	1.29%
Non-Minority Males	\$524,677,114	37.49%	16	0.43%

D. Highly Used Architecture and Engineering Prime Contractors

The County awarded a total of 754 architecture and engineering prime contracts during the study period. As depicted in Table 3.10, the 754 architecture and engineering prime contracts were received by 287 unique vendors.

Table 3.10: Architecture and Engineering Prime Contracts

Total Prime Contracts	754
Total Utilized Vendors	287
Total Expenditures	\$337,014,217

An analysis was performed to determine the number of vendors that received at least 70 percent of the County's architecture and engineering prime contract dollars. The analysis determined that 21 vendors received 70 percent of the total architecture and engineering prime contract dollars. The 21 vendors represented 7.32 percent of the 287 vendors.



¹⁷ African Americans, Asian Americans, Native Americans, Caucasian Females and were omitted from the table because they were not highly used.

Table 3.11 below presents the distribution of the County's architecture and engineering prime contract dollars by the number of vendors. Twenty-one of the 287 vendors received \$235,767,179 or 70 percent of the prime contract dollars. The finding illustrates that a small group of prime contractors received the majority of the County's architecture and engineering prime contract dollars.

**Table 3.11: Architecture and Engineering
Prime Contracts Distributed by Number of Vendors**

Vendors	Total Dollars	Percent of Dollars ¹⁸	Number of Contracts	Percent of Contracts ¹⁹
21 Highly Used Vendors	\$235,767,179	70%	73	10%
287 Total Vendors	\$337,014,217	100%	754	100%

Table 3.12 presents the ethnicity and gender of seven of the 21 most highly used architecture and engineering prime contractors, representing 48.93 percent of dollars. The seven most highly used architecture and engineering prime contractors were Non-Minority Male and Hispanic American businesses. The contracts received by these seven businesses ranged from \$4,244 to \$50,000,000.

**Table 3.12: Top Seven Highly Used Architecture and Engineering
Prime Contractors**

Ethnicity/ Gender ²⁰	Total Dollars	Percent of Dollars	Number of Contracts	Percent of Contracts
Hispanic Americans	\$27,524,103	8.17%	2	0.27%
Non-Minority Males	\$137,361,613	40.76%	25	3.32%

¹⁸ Percentages are rounded to the nearest whole number.

¹⁹ Percentages are rounded to the nearest whole number.

²⁰ African Americans, Asian Americans, Native Americans, and Caucasian Females were omitted from the table because they were not highly used.



E. Highly Used Professional Services Prime Contractors

The County awarded a total of 155 professional services prime contracts during the study period. As depicted in Table 3.13, the 155 professional services prime contracts were received by 42 vendors.

Table 3.13: Professional Services Prime Contracts

Total Prime Contracts	155
Total Utilized Vendors	42
Total Expenditures	\$8,992,266

An analysis was performed to determine the number of vendors that received at least 70 percent of the County's dollars for professional services prime contracts. The analysis determined that six vendors received 69 percent of the total professional services prime contract dollars. The six vendors represented 14.29 percent of the 42 vendors.

Table 3.14 presents the distribution of the County's professional services prime contracts by the number of vendors. Six of the 42 vendors received \$6,248,550 or 69 percent of the prime contract dollars. The finding illustrates that a small group of prime contractors received the majority of the County's professional services prime contract dollars.

**Table 3.14: Professional Services Prime Contracts Distributed
by Number of Vendors**

Vendors	Total Dollars	Percent of Dollars²¹	Number of Contracts	Percent of Contracts²²
6 Highly Used Vendors	\$6,248,550	69%	25	16%
42 Total Vendors	\$8,992,266	100%	155	100%

²¹ Percentages are rounded to the nearest whole number.

²² Percentages are rounded to the nearest whole number.



Table 3.15 presents the ethnicity and gender of three of the six most highly used professional services prime contractors, representing 53.56 percent of the dollars. The three most highly used professional services prime contractors consisted of Non-Minority Male and Asian American businesses. The contracts received by these three businesses ranged from \$2,500 to \$3,257,776.

Table 3.15: Top Three Highly Used Professional Services Prime Contractors

Ethnicity/ Gender²³	Total Dollars	Percent of Dollars	Number of Contracts	Percent of Contracts
Asian Americans	\$914,836	10.17%	2	1.29%
Non-Minority Males	\$3,902,061	43.39%	9	5.81%

F. Highly Used Goods and Other Services Prime Contractors

In goods and other services, the County awarded a total of 1,769 prime contracts during the study period. As depicted in Table 3.16, the 1,769 goods and other services prime contracts were received by 614 vendors.

Table 3.16: Goods and Other Services Prime Contracts

Total Prime Contracts	1,769
Total Utilized Vendors	614
Total Expenditures	\$97,905,321

An analysis was performed to determine the number of vendors that received at least 70 percent of the County's goods and other services prime contract dollars. The analysis determined that 60 vendors received 70 percent of the total goods and other services prime contract dollars. The 60 vendors represented 9.77 percent of the 614 vendors.



²³ African Americans, Hispanic Americans, Native Americans, Caucasian Females and were omitted from the table because they were not highly used.

Table 3.17 presents the distribution of the County's goods and other services prime contracts according to the number of vendors. Sixty of the 614 vendors received \$68,649,071 or 70 percent of the prime contract dollars. The finding illustrates that a small group of prime contractors received the majority of the County's goods and other services prime contract dollars.

Table 3.17: Goods and Other Services Prime Contracts Distributed by Number of Vendors

Vendors	Total Dollars	Percent of Dollars ²⁴	Number of Contracts	Percent of Contracts ²⁵
60 Highly Used Vendors	\$68,649,071	70%	397	22%
614 Total Vendors	\$97,905,321	100%	1,769	100%

Table 3.18 presents the ethnicity and gender of 25 of the 60 most highly used goods and other services prime contractors, representing 50.06 percent of the dollars. These 25 most highly used goods and other services prime contractors were Non-Minority Male, African American, Hispanic American, and Caucasian Female businesses. The contracts received by these 25 businesses ranged from \$125 to \$2,314,319.

Table 3.18: Top 25 Highly Used Goods and Other Services Prime Contractors

Ethnicity/ Gender ²⁶	Total Dollars	Percent of Dollars	Number of Contracts	Percent of Contracts
African Americans	\$7,515,120	7.68%	48	2.71%
Hispanic Americans	\$8,434,860	8.62%	20	1.13%
Caucasian Females	\$6,034,938	6.16%	28	1.58%
Non-Minority Males	\$27,026,018	27.60%	82	4.64%

²⁴ Percentages are rounded to the nearest whole number.

²⁵ Percentages are rounded to the nearest whole number.

²⁶ Asian Americans and Native Americans were omitted from the table because they were not highly used.



G. All Prime Contracts by Industry

1. Construction Prime Contractor Utilization: All Contracts

Table 3.19 summarizes all prime contract dollars expended by the County on construction prime contracts. Minority Business Enterprises received 46.02 percent of the construction prime contract dollars; Women Business Enterprises received 0.21 percent; and Non-Minority Male Business Enterprises received 53.77 percent.

African Americans received 751 or 20.17 percent of the construction contracts during the study period, representing \$25,761,029 or 1.84 percent of the contract dollars.

Asian Americans received 11 or 0.3 percent of the construction contracts during the study period, representing \$433,151 or 0.03 percent of the contract dollars.

Hispanic Americans received 2,465 or 66.21 percent of the construction contracts during the study period, representing \$617,850,851 or 44.15 percent of the contract dollars.

Native Americans received none of the construction contracts during the study period.

Minority Business Enterprises received 3,227 or 86.68 percent of the construction contracts during the study period, representing \$644,045,031 or 46.02 percent of the contract dollars.

Women Business Enterprises received 39 or 1.05 percent of the construction contracts during the study period, representing \$3,002,624 or 0.21 percent of the contract dollars.

Minority and Women Business Enterprises received 3,266 or 87.72 percent of the construction contracts during the study period, representing \$647,047,656 or 46.23 percent of the contract dollars.

Non-Minority Male Business Enterprises received 457 or 12.28 percent of the construction contracts during the study period, representing \$752,508,595 or 53.77 percent of the contract dollars.



**Table 3.19: Construction Prime Contractor Utilization:
All Contracts, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	751	20.17%	\$25,761,029	1.84%
Asian Americans	11	0.30%	\$433,151	0.03%
Hispanic Americans	2,465	66.21%	\$617,850,851	44.15%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	39	1.05%	\$3,002,624	0.21%
Non-Minority Males	457	12.28%	\$752,508,595	53.77%
TOTAL	3,723	100.00%	\$1,399,556,250	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	195	5.24%	\$2,476,099	0.18%
African American Males	556	14.93%	\$23,284,930	1.66%
Asian American Females	3	0.08%	\$225,483	0.02%
Asian American Males	8	0.21%	\$207,668	0.01%
Hispanic American Females	700	18.80%	\$61,525,826	4.40%
Hispanic American Males	1,765	47.41%	\$556,325,026	39.75%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	39	1.05%	\$3,002,624	0.21%
Non-Minority Males	457	12.28%	\$752,508,595	53.77%
TOTAL	3,723	100.00%	\$1,399,556,250	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	898	24.12%	\$64,227,408	4.59%
Minority Males	2,329	62.56%	\$579,817,624	41.43%
Caucasian Females	39	1.05%	\$3,002,624	0.21%
Non-Minority Males	457	12.28%	\$752,508,595	53.77%
TOTAL	3,723	100.00%	\$1,399,556,250	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	3,227	86.68%	\$644,045,031	46.02%
Women Business Enterprises	39	1.05%	\$3,002,624	0.21%
Minority and Women Business Enterprises	3,266	87.72%	\$647,047,656	46.23%
Non-Minority Male Business Enterprises	457	12.28%	\$752,508,595	53.77%
TOTAL	3,723	100.00%	\$1,399,556,250	100.00%



2. Architecture and Engineering Prime Contractor Utilization: All Contracts

Table 3.20 summarizes all prime contract dollars expended by the County on architecture and engineering prime contracts. Minority Business Enterprises received 27.62 percent of the architecture and engineering prime contract dollars; Women Business Enterprises received 3.25 percent; and Non-Minority Male Business Enterprises received 69.13 percent.

African Americans received 30 or 3.98 percent of the architecture and engineering contracts during the study period, representing \$3,412,521 or 1.01 percent of the contract dollars.

Asian Americans received 29 or 3.85 percent of the architecture and engineering contracts during the study period, representing \$4,267,093 or 1.27 percent of the contract dollars.

Hispanic Americans received 339 or 44.96 percent of the architecture and engineering contracts during the study period, representing \$85,412,658 or 25.34 percent of the contract dollars.

Native Americans received none of the architecture and engineering contracts during the study period.

Minority Business Enterprises received 398 or 52.79 percent of the architecture and engineering contracts during the study period, representing \$93,092,272 or 27.62 percent of the contract dollars.

Women Business Enterprises received 42 or 5.57 percent of the architecture and engineering contracts during the study period, representing \$10,950,044 or 3.25 percent of the contract dollars.

Minority and Women Business Enterprises received 440 or 58.36 percent of the architecture and engineering contracts during the study period, representing \$104,042,315 or 30.87 percent of the contract dollars.

Non-Minority Male Business Enterprises received 314 or 41.64 percent of the architecture and engineering contracts during the study period, representing \$232,971,902 or 69.13 percent of the contract dollars.



**Table 3.20: Architecture and Engineering Prime Contractor Utilization:
All Contracts, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	30	3.98%	\$3,412,521	1.01%
Asian Americans	29	3.85%	\$4,267,093	1.27%
Hispanic Americans	339	44.96%	\$85,412,658	25.34%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	42	5.57%	\$10,950,044	3.25%
Non-Minority Males	314	41.64%	\$232,971,902	69.13%
TOTAL	754	100.00%	\$337,014,217	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	0	0.00%	\$0	0.00%
African American Males	30	3.98%	\$3,412,521	1.01%
Asian American Females	13	1.72%	\$2,534,031	0.75%
Asian American Males	16	2.12%	\$1,733,062	0.51%
Hispanic American Females	75	9.95%	\$15,333,773	4.55%
Hispanic American Males	264	35.01%	\$70,078,884	20.79%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	42	5.57%	\$10,950,044	3.25%
Non-Minority Males	314	41.64%	\$232,971,902	69.13%
TOTAL	754	100.00%	\$337,014,217	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	88	11.67%	\$17,867,804	5.30%
Minority Males	310	41.11%	\$75,224,467	22.32%
Caucasian Females	42	5.57%	\$10,950,044	3.25%
Non-Minority Males	314	41.64%	\$232,971,902	69.13%
TOTAL	754	100.00%	\$337,014,217	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	398	52.79%	\$93,092,272	27.62%
Women Business Enterprises	42	5.57%	\$10,950,044	3.25%
Minority and Women Business Enterprises	440	58.36%	\$104,042,315	30.87%
Non-Minority Male Business Enterprises	314	41.64%	\$232,971,902	69.13%
TOTAL	754	100.00%	\$337,014,217	100.00%



3. Professional Services Prime Contractor Utilization: All Contracts

Table 3.21 summarizes all contract dollars expended by the County on professional services prime contracts. Minority Business Enterprises received 34.34 percent of the professional services prime contract dollars; Women Business Enterprises received 2.4 percent; and Non-Minority Male Business Enterprises received 63.26 percent.

African Americans received eight or 5.16 percent of the professional services contracts during the study period, representing \$551,900 or 6.14 percent of the contract dollars.

Asian Americans received two or 1.29 percent of the professional services contracts during the study period, representing \$914,836 or 10.17 percent of the contract dollars.

Hispanic Americans received 43 or 27.74 percent of the professional services contracts during the study period, representing \$1,621,372 or 18.03 percent of the contract dollars.

Native Americans received none of the professional services contracts during the study period.

Minority Business Enterprises received 53 or 34.19 percent of the professional services contracts during the study period, representing \$3,088,108 or 34.34 percent of the contract dollars.

Women Business Enterprises received four or 2.58 percent of the professional services contracts during the study period, representing \$215,583 or 2.4 percent of the contract dollars.

Minority and Women Business Enterprises received 57 or 36.77 percent of the professional services contracts during the study period, representing \$3,303,691 or 36.74 percent of the contract dollars.

Non-Minority Male Business Enterprises received 98 or 63.23 percent of the professional services contracts during the study period, representing \$5,688,575 or 63.26 percent of the contract dollars.



**Table 3.21: Professional Services Prime Contractor Utilization:
All Contracts, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	8	5.16%	\$551,900	6.14%
Asian Americans	2	1.29%	\$914,836	10.17%
Hispanic Americans	43	27.74%	\$1,621,372	18.03%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	4	2.58%	\$215,583	2.40%
Non-Minority Males	98	63.23%	\$5,688,575	63.26%
TOTAL	155	100.00%	\$8,992,266	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	8	5.16%	\$551,900	6.14%
African American Males	0	0.00%	\$0	0.00%
Asian American Females	0	0.00%	\$0	0.00%
Asian American Males	2	1.29%	\$914,836	10.17%
Hispanic American Females	33	21.29%	\$843,425	9.38%
Hispanic American Males	10	6.45%	\$777,947	8.65%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	4	2.58%	\$215,583	2.40%
Non-Minority Males	98	63.23%	\$5,688,575	63.26%
TOTAL	155	100.00%	\$8,992,266	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	41	26.45%	\$1,395,325	15.52%
Minority Males	12	7.74%	\$1,692,783	18.82%
Caucasian Females	4	2.58%	\$215,583	2.40%
Non-Minority Males	98	63.23%	\$5,688,575	63.26%
TOTAL	155	100.00%	\$8,992,266	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	53	34.19%	\$3,088,108	34.34%
Women Business Enterprises	4	2.58%	\$215,583	2.40%
Minority and Women Business Enterprises	57	36.77%	\$3,303,691	36.74%
Non-Minority Male Business Enterprises	98	63.23%	\$5,688,575	63.26%
TOTAL	155	100.00%	\$8,992,266	100.00%



4. Goods and Other Services Prime Contractor Utilization: All Contracts

Table 3.22 summarizes all contract dollars expended by the County on goods and other services prime contracts. Minority Business Enterprises received 28.2 percent of the goods and other services prime contract dollars; Women Business Enterprises received 9.66 percent; and Non-Minority Male Business Enterprises received 62.14 percent.

African Americans received 119 or 6.73 percent of the goods and other services contracts during the study period, representing \$9,384,737 or 9.59 percent of the contract dollars.

Asian Americans received 11 or 0.62 percent of the goods and other services contracts during the study period, representing \$857,593 or 0.88 percent of the contract dollars.

Hispanic Americans received 330 or 18.65 percent of the goods and other services contracts during the study period, representing \$17,366,229 or 17.74 percent of the contract dollars.

Native Americans received none of the goods and other services contracts during the study period.

Minority Business Enterprises received 460 or 26 percent of the goods and other services contracts during the study period, representing \$27,608,558 or 28.2 percent of the contract dollars.

Women Business Enterprises received 140 or 7.91 percent of the goods and other services contracts during the study period, representing \$9,459,199 or 9.66 percent of the contract dollars.

Minority and Women Business Enterprises received 600 or 33.92 percent of the goods and other services contracts during the study period, representing \$37,067,757 or 37.86 percent of the contract dollars.

Non-Minority Male Business Enterprises received 1,169 or 66.08 percent of the goods and other services contracts during the study period, representing \$60,837,564 or 62.14 percent of the contract dollars.



**Table 3.22: Goods and Other Services Prime Contractor Utilization:
All Contracts, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	119	6.73%	\$9,384,737	9.59%
Asian Americans	11	0.62%	\$857,593	0.88%
Hispanic Americans	330	18.65%	\$17,366,229	17.74%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	140	7.91%	\$9,459,199	9.66%
Non-Minority Males	1,169	66.08%	\$60,837,564	62.14%
TOTAL	1,769	100.00%	\$97,905,321	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	31	1.75%	\$1,877,312	1.92%
African American Males	88	4.97%	\$7,507,424	7.67%
Asian American Females	2	0.11%	\$3,925	0.00%
Asian American Males	9	0.51%	\$853,668	0.87%
Hispanic American Females	66	3.73%	\$1,500,668	1.53%
Hispanic American Males	264	14.92%	\$15,865,561	16.21%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	140	7.91%	\$9,459,199	9.66%
Non-Minority Males	1,169	66.08%	\$60,837,564	62.14%
TOTAL	1,769	100.00%	\$97,905,321	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	99	5.60%	\$3,381,905	3.45%
Minority Males	361	20.41%	\$24,226,653	24.74%
Caucasian Females	140	7.91%	\$9,459,199	9.66%
Non-Minority Males	1,169	66.08%	\$60,837,564	62.14%
TOTAL	1,769	100.00%	\$97,905,321	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	460	26.00%	\$27,608,558	28.20%
Women Business Enterprises	140	7.91%	\$9,459,199	9.66%
Minority and Women Business Enterprises	600	33.92%	\$37,067,757	37.86%
Non-Minority Male Business Enterprises	1,169	66.08%	\$60,837,564	62.14%
TOTAL	1,769	100.00%	\$97,905,321	100.00%



H. Prime Contracts Under \$250,000, by Industry

1. Construction Prime Contractor Utilization: Contracts under \$250,000

Table 3.23 summarizes all contract dollars expended by the County on construction prime contracts under \$250,000. Minority Business Enterprises received 85.49 percent of the construction prime contract dollars; Women Business Enterprises received 0.35 percent; and Non-Minority Male Business Enterprises received 14.16 percent.

African Americans received 724 or 23.22 percent of the construction contracts under \$250,000 during the study period, representing \$12,046,422 or 14.27 percent of the contract dollars.

Asian Americans received 11 or 0.35 percent of the construction contracts under \$250,000 during the study period, representing \$433,151 or 0.51 percent of the contract dollars.

Hispanic Americans received 2,036 or 65.3 percent of the construction contracts under \$250,000 during the study period, representing \$59,692,174 or 70.71 percent of the contract dollars.

Native Americans received none of the construction contracts under \$250,000 during the study period.

Minority Business Enterprises received 2,771 or 88.87 percent of the construction contracts under \$250,000 during the study period, representing \$72,171,747 or 85.49 percent of the contract dollars.

Women Business Enterprises received 33 or 1.06 percent of the construction contracts under \$250,000 during the study period, representing \$292,324 or 0.35 percent of the contract dollars.

Minority and Women Business Enterprises received 2,804 or 89.93 percent of the construction contracts under \$250,000 during the study period, representing \$72,464,070 or 85.84 percent of the contract dollars.

Non-Minority Male Business Enterprises received 314 or 10.07 percent of the construction contracts under \$250,000 during the study period, representing \$11,956,837 or 14.16 percent of the contract dollars.



**Table 3.23: Construction Prime Contractor Utilization:
Contracts under \$250,000, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	724	23.22%	\$12,046,422	14.27%
Asian Americans	11	0.35%	\$433,151	0.51%
Hispanic Americans	2,036	65.30%	\$59,692,174	70.71%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	33	1.06%	\$292,324	0.35%
Non-Minority Males	314	10.07%	\$11,956,837	14.16%
TOTAL	3,118	100.00%	\$84,420,907	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	194	6.22%	\$1,951,099	2.31%
African American Males	530	17.00%	\$10,095,323	11.96%
Asian American Females	3	0.10%	\$225,483	0.27%
Asian American Males	8	0.26%	\$207,668	0.25%
Hispanic American Females	642	20.59%	\$11,340,457	13.43%
Hispanic American Males	1,394	44.71%	\$48,351,717	57.27%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	33	1.06%	\$292,324	0.35%
Non-Minority Males	314	10.07%	\$11,956,837	14.16%
TOTAL	3,118	100.00%	\$84,420,907	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	839	26.91%	\$13,517,039	16.01%
Minority Males	1,932	61.96%	\$58,654,708	69.48%
Caucasian Females	33	1.06%	\$292,324	0.35%
Non-Minority Males	314	10.07%	\$11,956,837	14.16%
TOTAL	3,118	100.00%	\$84,420,907	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	2,771	88.87%	\$72,171,747	85.49%
Women Business Enterprises	33	1.06%	\$292,324	0.35%
Minority and Women Business Enterprises	2,804	89.93%	\$72,464,070	85.84%
Non-Minority Male Business Enterprises	314	10.07%	\$11,956,837	14.16%
TOTAL	3,118	100.00%	\$84,420,907	100.00%



2. Architecture and Engineering Prime Contractor Utilization: Contracts under \$250,000

Table 3.24 summarizes all contract dollars expended by the County on architecture and engineering prime contracts under \$250,000. Minority Business Enterprises received 56.54 percent of the architecture and engineering prime contract dollars; Women Business Enterprises received 3.37 percent; and Non-Minority Male Business Enterprises received 40.09 percent.

African Americans received 27 or 4.41 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$1,017,948 or 3.58 percent of the contract dollars.

Asian Americans received 26 or 4.25 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$1,090,924 or 3.84 percent of the contract dollars.

Hispanic Americans received 292 or 47.71 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$13,954,403 or 49.12 percent of the contract dollars.

Native Americans received none of the architecture and engineering contracts under \$250,000 during the study period.

Minority Business Enterprises received 345 or 56.37 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$16,063,275 or 56.54 percent of the contract dollars.

Women Business Enterprises received 34 or 5.56 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$957,465 or 3.37 percent of the contract dollars.

Minority and Women Business Enterprises received 379 or 61.93 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$17,020,740 or 59.91 percent of the contract dollars.

Non-Minority Male Business received 233 or 38.07 percent of the architecture and engineering contracts under \$250,000 during the study period, representing \$11,390,577 or 40.09 percent of the contract dollars.



**Table 3.24: Architecture and Engineering Prime Contractor Utilization:
Contracts under \$250,000, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	27	4.41%	\$1,017,948	3.58%
Asian Americans	26	4.25%	\$1,090,924	3.84%
Hispanic Americans	292	47.71%	\$13,954,403	49.12%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	34	5.56%	\$957,465	3.37%
Non-Minority Males	233	38.07%	\$11,390,577	40.09%
TOTAL	612	100.00%	\$28,411,316	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	0	0.00%	\$0	0.00%
African American Males	27	4.41%	\$1,017,948	3.58%
Asian American Females	11	1.80%	\$366,789	1.29%
Asian American Males	15	2.45%	\$724,135	2.55%
Hispanic American Females	65	10.62%	\$3,076,924	10.83%
Hispanic American Males	227	37.09%	\$10,877,479	38.29%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	34	5.56%	\$957,465	3.37%
Non-Minority Males	233	38.07%	\$11,390,577	40.09%
TOTAL	612	100.00%	\$28,411,316	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	76	12.42%	\$3,443,713	12.12%
Minority Males	269	43.95%	\$12,619,562	44.42%
Caucasian Females	34	5.56%	\$957,465	3.37%
Non-Minority Males	233	38.07%	\$11,390,577	40.09%
TOTAL	612	100.00%	\$28,411,316	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	345	56.37%	\$16,063,275	56.54%
Women Business Enterprises	34	5.56%	\$957,465	3.37%
Minority and Women Business Enterprises	379	61.93%	\$17,020,740	59.91%
Non-Minority Male Business Enterprises	233	38.07%	\$11,390,577	40.09%
TOTAL	612	100.00%	\$28,411,316	100.00%



3. Professional Services Prime Contractor Utilization: Contracts under \$250,000

Table 3.25 summarizes all contract dollars expended by the County on professional services prime contracts under \$250,000. Minority Business Enterprises received 33.81 percent of the professional services prime contract dollars; Women Business Enterprises received 5.39 percent; and Non-Minority Business Enterprises received 60.8 percent.

African Americans received seven or 4.64 percent of the professional services contracts under \$250,000 during the study period, representing \$172,527 or 4.32 percent of the contract dollars.

Asian Americans received one or 0.66 percent of the professional services contracts under \$250,000 during the study period, representing \$15,000 or 0.38 percent of the contract dollars.

Hispanic Americans received 42 or 27.81 percent of the professional services contracts under \$250,000 during the study period, representing \$1,164,097 or 29.12 percent of the contract dollars.

Native Americans received none of the professional services contracts under \$250,000 during the study period.

Minority Business Enterprises received 50 or 33.11 percent of the professional services contracts under \$250,000 during the study period, representing \$1,351,624 or 33.81 percent of the contract dollars.

Women Business Enterprises received four or 2.65 percent of the professional services contracts under \$250,000 during the study period, representing \$215,583 or 5.39 percent of the contract dollars.

Minority and Women Business Enterprises received 54 or 35.76 percent of the professional services contracts under \$250,000 during the study period, representing \$1,567,207 or 39.2 percent of the contract dollars.

Non-Minority Male Business Enterprises received 97 or 64.24 percent of the professional services contracts under \$250,000 during the study period, representing \$2,430,799 or 60.8 percent of the contract dollars.



**Table 3.25: Professional Services Prime Contractor Utilization:
Contracts under \$250,000, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	7	4.64%	\$172,527	4.32%
Asian Americans	1	0.66%	\$15,000	0.38%
Hispanic Americans	42	27.81%	\$1,164,097	29.12%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	4	2.65%	\$215,583	5.39%
Non-Minority Males	97	64.24%	\$2,430,799	60.80%
TOTAL	151	100.00%	\$3,998,006	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	7	4.64%	\$172,527	4.32%
African American Males	0	0.00%	\$0	0.00%
Asian American Females	0	0.00%	\$0	0.00%
Asian American Males	1	0.66%	\$15,000	0.38%
Hispanic American Females	32	21.19%	\$386,150	9.66%
Hispanic American Males	10	6.62%	\$777,947	19.46%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	4	2.65%	\$215,583	5.39%
Non-Minority Males	97	64.24%	\$2,430,799	60.80%
TOTAL	151	100.00%	\$3,998,006	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	39	25.83%	\$558,677	13.97%
Minority Males	11	7.28%	\$792,947	19.83%
Caucasian Females	4	2.65%	\$215,583	5.39%
Non-Minority Males	97	64.24%	\$2,430,799	60.80%
TOTAL	151	100.00%	\$3,998,006	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	50	33.11%	\$1,351,624	33.81%
Women Business Enterprises	4	2.65%	\$215,583	5.39%
Minority and Women Business Enterprises	54	35.76%	\$1,567,207	39.20%
Non-Minority Male Business Enterprises	97	64.24%	\$2,430,799	60.80%
TOTAL	151	100.00%	\$3,998,006	100.00%



4. Goods and Other Services Prime Contractor Utilization: Contracts under \$250,000

Table 3.26 summarizes all contract dollars expended by County on goods and other services prime contracts under \$250,000. Minority Business Enterprises received 29.11 percent of the goods and other services prime contract dollars; Women Business Enterprises received 8.55 percent; and Non-Minority Male Business Enterprises received 62.34 percent.

African Americans received 109 or 6.51 percent of the goods and other services contracts under \$250,000 during the study period, representing \$4,827,247 or 10.07 percent of the contract dollars.

Asian Americans received 11 or 0.66 percent of the goods and other services contracts under \$250,000 during the study period, representing \$857,593 or 1.79 percent of the contract dollars.

Hispanic Americans received 314 or 18.75 percent of the goods and other services contracts under \$250,000 during the study period, representing \$8,274,791 or 17.26 percent of the contract dollars.

Native Americans received none of the goods and other services contracts under \$250,000 during the study period.

Minority Business Enterprises received 434 or 25.91 percent of the goods and other services contracts under \$250,000 during the study period, representing \$13,959,631 or 29.11 percent of the contract dollars.

Women Business Enterprises received 130 or 7.76 percent of the goods and other services contracts under \$250,000 during the study period, representing \$4,098,961 or 8.55 percent of the contract dollars.

Minority and Women Business Enterprises received 564 or 33.67 percent of the goods and other services contracts under \$250,000 during the study period, representing \$18,058,592 or 37.66 percent of the contract dollars.

Non-Minority Male Business Enterprises received 1,111 or 66.33 percent of the goods and other services contracts under \$250,000 during the study period, representing \$29,889,326 or 62.34 percent of the contract dollars.



**Table 3.26: Goods and Other Services Prime Contractor Utilization:
Contracts under \$250,000, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	109	6.51%	\$4,827,247	10.07%
Asian Americans	11	0.66%	\$857,593	1.79%
Hispanic Americans	314	18.75%	\$8,274,791	17.26%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	130	7.76%	\$4,098,961	8.55%
Non-Minority Males	1,111	66.33%	\$29,889,326	62.34%
TOTAL	1,675	100.00%	\$47,947,918	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	27	1.61%	\$347,784	0.73%
African American Males	82	4.90%	\$4,479,463	9.34%
Asian American Females	2	0.12%	\$3,925	0.01%
Asian American Males	9	0.54%	\$853,668	1.78%
Hispanic American Females	65	3.88%	\$1,152,098	2.40%
Hispanic American Males	249	14.87%	\$7,122,693	14.86%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	130	7.76%	\$4,098,961	8.55%
Non-Minority Males	1,111	66.33%	\$29,889,326	62.34%
TOTAL	1,675	100.00%	\$47,947,918	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	94	5.61%	\$1,503,806	3.14%
Minority Males	340	20.30%	\$12,455,825	25.98%
Caucasian Females	130	7.76%	\$4,098,961	8.55%
Non-Minority Males	1,111	66.33%	\$29,889,326	62.34%
TOTAL	1,675	100.00%	\$47,947,918	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	434	25.91%	\$13,959,631	29.11%
Women Business Enterprises	130	7.76%	\$4,098,961	8.55%
Minority and Women Business Enterprises	564	33.67%	\$18,058,592	37.66%
Non-Minority Male Business Enterprises	1,111	66.33%	\$29,889,326	62.34%
TOTAL	1,675	100.00%	\$47,947,918	100.00%



I. Informal Contracts

1. Goods and Other Services Prime Contractor Utilization: Contracts \$25,000 and under

Table 3.27 summarizes all contract dollars expended by the County on goods and other services prime contracts of \$25,000 and under. Minority Business Enterprises received 25.53 percent of the goods and other services prime contract dollars; Women Business Enterprises received 7.45 percent; and Non-Minority Male Business Enterprises received 67.02 percent.

African Americans received 66 or 5.46 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$423,603 or 5.89 percent of the contract dollars.

Asian Americans received four or 0.33 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$16,806 or 0.23 percent of the contract dollars.

Hispanic Americans received 233 or 19.27 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$1,394,993 or 19.41 percent of the contract dollars.

Native Americans received none of the goods and other services contracts \$25,000 and under during the study period.

Minority Business Enterprises received 303 or 25.06 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$1,835,402 or 25.53 percent of the contract dollars.

Women Business Enterprises received 91 or 7.53 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$535,679 or 7.45 percent of the contract dollars.

Minority and Women Business Enterprises received 394 or 32.59 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$2,371,081 or 32.98 percent of the contract dollars.

Non-Minority Male Business Enterprises received 815 or 67.41 percent of the goods and other services contracts \$25,000 and under during the study period, representing \$4,817,486 or 67.02 percent of the contract dollars.



**Table 3.27: Goods and Other Services Prime Contractor Utilization:
Contracts \$25,000 and under, January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African Americans	66	5.46%	\$423,603	5.89%
Asian Americans	4	0.33%	\$16,806	0.23%
Hispanic Americans	233	19.27%	\$1,394,993	19.41%
Native Americans	0	0.00%	\$0	0.00%
Caucasian Females	91	7.53%	\$535,679	7.45%
Non-Minority Males	815	67.41%	\$4,817,486	67.02%
TOTAL	1,209	100.00%	\$7,188,567	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
African American Females	23	1.90%	\$122,021	1.70%
African American Males	43	3.56%	\$301,582	4.20%
Asian American Females	2	0.17%	\$3,925	0.05%
Asian American Males	2	0.17%	\$12,881	0.18%
Hispanic American Females	55	4.55%	\$259,045	3.60%
Hispanic American Males	178	14.72%	\$1,135,948	15.80%
Native American Females	0	0.00%	\$0	0.00%
Native American Males	0	0.00%	\$0	0.00%
Caucasian Females	91	7.53%	\$535,679	7.45%
Non-Minority Males	815	67.41%	\$4,817,486	67.02%
TOTAL	1,209	100.00%	\$7,188,567	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Females	80	6.62%	\$384,991	5.36%
Minority Males	223	18.44%	\$1,450,411	20.18%
Caucasian Females	91	7.53%	\$535,679	7.45%
Non-Minority Males	815	67.41%	\$4,817,486	67.02%
TOTAL	1,209	100.00%	\$7,188,567	100.00%
Minority and Women	Number of Contracts	Percent of Contracts	Amount of Dollars	Percent of Dollars
Minority Business Enterprises	303	25.06%	\$1,835,402	25.53%
Women Business Enterprises	91	7.53%	\$535,679	7.45%
Minority and Women Business Enterprises	394	32.59%	\$2,371,081	32.98%
Non-Minority Male Business Enterprises	815	67.41%	\$4,817,486	67.02%
TOTAL	1,209	100.00%	\$7,188,567	100.00%



V. SUMMARY

Miami-Dade County's prime contractor utilization analysis examined \$1,843,468,055 expended on prime contracts awarded from January 1, 2007 to December 31, 2011. The \$1,843,468,055 expended included \$1,399,556,250 for construction, \$337,014,217 for architecture and engineering, \$8,992,266 for professional services, and \$97,905,321 for goods and other services. A total of 6,401 contracts were analyzed, which included 3,723 for construction, 754 for architecture and engineering, 155 for professional services, and 1,769 for goods and other services.

The utilization analysis was performed separately for informal and formal prime contracts. The informal level applies only to goods and other services valued at \$25,000 and under. The analysis of formal contracts was performed at two dollar thresholds: all contracts, and contracts under \$250,000 for each industry. *Chapter 9: Prime Contractor Disparity Analysis* presents the statistical analysis of disparity in each of the four industries.



CHAPTER 4: SUBCONTRACTOR UTILIZATION ANALYSIS

I. INTRODUCTION

As discussed in *Chapter 3: Prime Contractor Utilization Analysis*, a disparity study, as required under *Croson*, documents Miami-Dade County's (County) contracting history with Minority and Woman-owned Business Enterprises (M/WBEs). The analysis was limited to the subcontracts awarded by the contractors that received a prime contract during the January 1, 2007 to December 31, 2011 study period, from one of the five County departments included in the Disparity Study. The objective of the analysis was to determine the level of M/WBE subcontractor utilization by ethnicity and gender in three industries—construction, professional services, and architectural and engineering. In order to perform the analysis, the subcontracts the prime contractors awarded to M/WBE and Non-Minority Male (Non-M/WBE) subcontractors during the study period had to be reconstructed because the County did not maintain a comprehensive dataset of subcontracts.

II. DATA SOURCES

A subcontract dataset, maintained in the County's Oracle Financial System by the Internal Services Department Small Business Development (SBD), was provided. It contained the Small Business Enterprises (SBEs) listed on the prime contracts included in the *Prime Contractor Utilization Analysis Chapter*. The SBD dataset contained subcontracts for 3.48 percent of the construction, architecture and engineering, and professional services prime contracts awarded during the study period. Extensive research was undertaken to compile a more complete accounting of the construction, architecture and engineering, and professional services subcontracts awarded.

The reconstructed subcontract data were compiled by Miami-Dade County in conjunction with Mason Tillman. Project files and electronic databases were examined by County staff for awards, payments, and related documents identifying subcontractors. The County staff compiled prime contracts from their records, as well as 2,842 subcontractors. However 84.9 percent of the subcontract records did not contain award or payment data, and only a few records included contact information.

In an effort to secure the award, payment and contact information for each subcontract, the prime contractors were surveyed by Mason Tillman. The response rate to the survey



was low. In addition, all the subcontractors that had contact information provided by the County were surveyed to verify the reported participation, and to secure the award and payment information for each contract received.

The ethnicity and gender of each business also had to be determined. This data was compiled from certification lists, membership lists of ethnic and gender organizations, Internet research, and the telephone surveys.

The comprehensive research undertaken identified 2,842 subcontracts in the three industries—a significantly large dataset containing both M/WBE and Non-M/WBE businesses, although the majority of the reconstructed subcontracts did not contain either an award or a payment amount. Without the award and payment amount, the subcontract analysis had to be based on the number of subcontracts awarded. The subcontract analysis of contracts awarded in each of the three industries was performed by ethnicity and gender.

III. SUBCONTRACTOR UTILIZATION

A. All Subcontracts

As depicted in Table 4.01 below, the 2,842 subcontracts awarded during the January 1, 2007 to December 31, 2011 study period were analyzed. The dataset included 2,466 construction subcontracts, 331 architecture and engineering subcontracts, and 45 professional services subcontracts.

**Table 4.01: Total Subcontracts Awarded, All Industries,
January 1, 2007 to December 31, 2011**

Industry	Total Number of Subcontracts
Construction	2,466
Architecture and Engineering	331
Professional Services	45
Total	2,842



B. All Subcontracts by Industry

1. Construction Subcontracts

Table 4.02 depicts the number and percent of the construction subcontracts awarded by the prime contractors during the study period. Minority Business Enterprises received 38.36 percent of the construction subcontracts; Women Business Enterprises received 2.68 percent; and Non-Minority Male Business Enterprises received 58.96 percent.

African Americans received 68 or 2.76 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Asian Americans received six or 0.24 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Hispanic Americans received 870 or 35.28 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Native Americans received two or 0.08 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Minority Business Enterprises received 946 or 38.36 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Women Business Enterprises received 66 or 2.68 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Minority and Women Business Enterprises received 1,012 or 41.04 percent of Miami-Dade County's construction subcontracts awarded during the study period.

Non-Minority Male-owned Business Enterprises received 1,454 or 58.96 percent of Miami-Dade County's construction subcontracts awarded during the study period.



**Table 4.02: Construction Subcontractor Utilization,
January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts
African Americans	68	2.76%
Asian Americans	6	0.24%
Hispanic Americans	870	35.28%
Native Americans	2	0.08%
Caucasian Females	66	2.68%
Non-Minority Males	1,454	58.96%
TOTAL	2,466	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts
African American Females	10	0.41%
African American Males	58	2.35%
Asian American Females	3	0.12%
Asian American Males	3	0.12%
Hispanic American Females	130	5.27%
Hispanic American Males	740	30.01%
Native American Females	0	0.00%
Native American Males	2	0.08%
Caucasian Females	66	2.68%
Non-Minority Males	1,454	58.96%
TOTAL	2,466	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts
Minority Females	143	5.80%
Minority Males	803	32.56%
Caucasian Females	66	2.68%
Non-Minority Males	1,454	58.96%
TOTAL	2,466	100.00%
Minority and Women	Number of Contracts	Percent of Contracts
Minority Business Enterprises	946	38.36%
Women Business Enterprises	66	2.68%
Minority and Women Business Enterprises	1,012	41.04%
Non-Minority Male Business Enterprises	1,454	58.96%
TOTAL	2,466	100.00%



2. Architecture and Engineering Subcontracts

Table 4.03 depicts the number and percent of the architecture and engineering subcontracts awarded by Miami-Dade County's prime contractors during the study period. Minority Business Enterprises received 68.88 percent of the architecture and engineering subcontracts; Women Business Enterprises received 6.34 percent; and Non-Minority Male Business Enterprises received 24.77 percent.

African Americans received 25 or 7.55 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Asian Americans received 14 or 4.23 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Hispanic Americans received 187 or 56.5 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Native Americans received two or 0.6 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Minority Business Enterprises received 228 or 68.88 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Women Business Enterprises received 21 or 6.34 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Minority and Women Business Enterprises received 249 or 75.23 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.

Non-Minority Male Business Enterprises received 82 or 24.77 percent of Miami-Dade County's architecture and engineering subcontracts during the study period.



**Table 4.03: Architecture and Engineering Subcontractor Utilization,
January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts
African Americans	25	7.55%
Asian Americans	14	4.23%
Hispanic Americans	187	56.50%
Native Americans	2	0.60%
Caucasian Females	21	6.34%
Non-Minority Males	82	24.77%
TOTAL	331	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts
African American Females	4	1.21%
African American Males	21	6.34%
Asian American Females	6	1.81%
Asian American Males	8	2.42%
Hispanic American Females	66	19.94%
Hispanic American Males	121	36.56%
Native American Females	0	0.00%
Native American Males	2	0.60%
Caucasian Females	21	6.34%
Non-Minority Males	82	24.77%
TOTAL	331	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts
Minority Females	76	22.96%
Minority Males	152	45.92%
Caucasian Females	21	6.34%
Non-Minority Males	82	24.77%
TOTAL	331	100.00%
Minority and Women	Number of Contracts	Percent of Contracts
Minority Business Enterprises	228	68.88%
Women Business Enterprises	21	6.34%
Minority and Women Business Enterprises	249	75.23%
Non-Minority Male Business Enterprises	82	24.77%
TOTAL	331	100.00%



3. Professional Services Subcontracts

Table 4.04 depicts the professional services subcontracts issued by Miami-Dade County's prime contractors. Minority Business Enterprises received 20 percent of the professional services subcontracts; Women Business Enterprises received 8.89 percent; and Non-Minority Male Business Enterprises received 71.11 percent.

African Americans received two or 4.44 percent of Miami-Dade County's professional services subcontracts during the study period.

Asian Americans received none of Miami-Dade County's professional services subcontracts during the study period.

Hispanic Americans received seven or 15.56 percent of Miami-Dade County's professional services subcontracts during the study period.

Native Americans received none of Miami-Dade County's professional services subcontracts during the study period.

Minority Business Enterprises received nine or 20 percent of Miami-Dade County's professional services subcontracts during the study period.

Women Business Enterprises received four or 8.89 percent of Miami-Dade County's professional services subcontracts during the study period.

Minority and Women Business Enterprises received 13 or 28.89 percent of Miami-Dade County's professional services subcontracts during the study period.

Non-Minority Male Business Enterprises receive 32 or 71.11 percent of Miami-Dade County's professional services subcontracts during the study period.



**Table 4.04: Professional Services Subcontractor Utilization,
January 1, 2007 to December 31, 2011**

Ethnicity	Number of Contracts	Percent of Contracts
African Americans	2	4.44%
Asian Americans	0	0.00%
Hispanic Americans	7	15.56%
Native Americans	0	0.00%
Caucasian Females	4	8.89%
Non-Minority Males	32	71.11%
TOTAL	45	100.00%
Ethnicity and Gender	Number of Contracts	Percent of Contracts
African American Females	2	4.44%
African American Males	0	0.00%
Asian American Females	0	0.00%
Asian American Males	0	0.00%
Hispanic American Females	1	2.22%
Hispanic American Males	6	13.33%
Native American Females	0	0.00%
Native American Males	0	0.00%
Caucasian Females	4	8.89%
Non-Minority Males	32	71.11%
TOTAL	45	100.00%
Minority and Gender	Number of Contracts	Percent of Contracts
Minority Females	3	6.67%
Minority Males	6	13.33%
Caucasian Females	4	8.89%
Non-Minority Males	32	71.11%
TOTAL	45	100.00%
Minority and Women	Number of Contracts	Percent of Contracts
Minority Business Enterprises	9	20.00%
Women Business Enterprises	4	8.89%
Minority and Women Business Enterprises	13	28.89%
Non-Minority Male Business Enterprises	32	71.11%
TOTAL	45	100.00%



IV. SUMMARY

A total of 2,842 subcontracts were reconstructed from records maintained by Miami-Dade County and its prime contractors. Most of the records did not contain either award or payment amounts. Since the data was not available to permit examination of the value of the contracts awarded, the analysis counted the number of awarded contracts.

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CHAPTER 5: MARKET AREA ANALYSIS

I. MARKET AREA DEFINITION

A. Legal Criteria for Geographic Market Area

The Supreme Court's decision in *City of Richmond v. J.A. Croson Co.*²⁷ held that programs established by local governments to set goals for the participation of minority businesses must be supported by evidence of past discrimination in the awarding of their contracts. Prior to the *Croson* decision, local agencies could implement race-conscious programs without developing a detailed public record to document the underutilization of minority businesses in their awarding of contracts. Instead, they relied on widely recognized societal patterns of discrimination.²⁸

Croson established that a local government could not rely on society-wide discrimination as the basis for a race-based program. Instead, a local government was required to identify discrimination within its own contracting jurisdiction.²⁹ In *Croson*, the Court found the City of Richmond's Minority Business Enterprise (MBE) construction program to be unconstitutional because there was insufficient evidence of discrimination in the local construction market.

Croson was explicit in saying that the local construction market was the appropriate geographical framework within which to perform statistical comparisons of business availability and business utilization. Therefore, the identification of the local market area is particularly important because that factor establishes the parameters within which to conduct a disparity study.

B. Application of the Croson Standard

While *Croson* emphasized the importance of the local market area, it provided little assistance in defining its parameters. However, it is informative to review the Court's definition of the City of Richmond's market area. In discussing the geographic parameters that must be investigated, the Court interchangeably used the terms "relevant

²⁷ *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

²⁸ *United Steelworkers v. Weber*, 433 U.S. 193, 198, n. 1 (1979).

²⁹ *Croson*, 488 U.S. at 497.



market,” “Richmond construction industry,”³⁰ and “city’s construction industry.”³¹ Thus, these terms were used to define the proper scope for examining the existence of discrimination within the City. This interchangeable use of terms lends support to a definition of market area that coincides with the boundaries of an entities’ contracting jurisdiction.

An analysis of the cases following *Croson* reveals a pattern that provides additional guidance for defining the market area. These cases determined that the definition of a reasonable market area is *fact based*—rather than dictated by a specific formula.³² In *Cone Corporation v. Hillsborough County*,³³ the Eleventh Circuit Court of Appeals considered a study in support of Florida’s Hillsborough County MBE Program, which used minority contractors located in the County as the measure of available firms. The Program was found to be constitutional pursuant to the compelling governmental interest prong of the strict scrutiny standard.

Hillsborough County’s program was based on statistics indicating that specific discrimination existed in the construction contracts awarded by the County, not in the construction industry in general. Hillsborough County had extracted data from within its own jurisdictional boundaries and assessed the percentage of minority businesses available in Hillsborough County. The court stated that the study was properly conducted within the “local construction industry.”³⁴

Similarly, in *Associated General Contractors v. Coalition for Economic Equity (AGCCII)*,³⁵ the Ninth Circuit Court of Appeals found the City and County of San Francisco’s MBE Program to have the factual predicate necessary to survive strict scrutiny. The San Francisco MBE Program was supported by a study that assessed the number of available MBE contractors within the City and County of San Francisco. The court found it appropriate to use the City and County as the relevant market area within which to conduct a disparity study.³⁶

In *Coral Construction v. King County*, the Ninth Circuit Court of Appeals held that “a set-aside program is valid only if actual, identifiable discrimination has occurred within the local industry affected by the program.”³⁷ In support of its MBE Program, King County offered studies compiled by other jurisdictions, including entities completely within the County or coterminous with the boundaries of the County, as well as a separate

³⁰ *Id.* at 500.

³¹ *Croson*, 488 U.S. at 470.

³² *See, e.g., Concrete Works of Colo. v. Denver*, 36 F.3d 1513, 1528 (10th Cir. 1994).

³³ *Cone Co. v. Hillsborough Cnty.*, 908 F.2d 908 (11th Cir. 1990).

³⁴ *Id.* at 915.

³⁵ *Associated Gen. Contractors of Cal. v. Coal. for Econ. Equity*, 950 F.2d 1401 (9th Cir. 1991).

³⁶ *Id.* at 1415.

³⁷ *Coral Constr. Co. v. King Cnty.*, 941 F.2d 910 (9th Cir. 1991), *cert. denied*, 502 U.S. 1033 (1992).



jurisdiction completely outside of the County. The plaintiffs contended that *Croson* required King County to compile its own data and cited *Croson* as prohibiting data sharing.

The court found that data sharing could potentially lead to the improper use of societal discrimination data as the factual basis for a local MBE program and that innocent third parties could be unnecessarily burdened if an MBE program were based on outside data. However, the court also found that the data from entities within the County and from coterminous jurisdictions was relevant to discrimination in the County. They also found that the data posed no risk of unfairly burdening innocent third parties.

The court concluded that data gathered by a neighboring county could not be used to support King County's MBE Program. The court noted,

"It is vital that a race-conscious program align itself as closely to the scope of the problem legitimately sought to be rectified by the governmental entity."³⁸ The court further stated that "[t]o prevent over breadth, the enacting jurisdiction should limit its factual inquiry to the presence of discrimination within its own boundaries."³⁹

However, the court did note that the "world of contracting does not conform itself neatly to jurisdictional boundaries."⁴⁰

There are other rulings where courts have approved a definition of market area that extends beyond a jurisdiction's geographic boundaries. In *Concrete Works v. City and County of Denver*,⁴¹ the Tenth Circuit Court of Appeals directly addressed the issue of whether extra-jurisdictional evidence of discrimination can be used to determine the "local market area" for a disparity study. In *Concrete Works*, the defendant relied on evidence of discrimination in the six-county Denver Metropolitan Statistical Area (MSA) to support its MBE program. Plaintiffs argued that the U.S. Constitution prohibited consideration of evidence beyond jurisdictional boundaries. The Court of Appeals disagreed.

Critical to the court's acceptance of the Denver MSA as the relevant local market, was the finding that more than 80 percent of construction and design contracts awarded by Denver were awarded to contractors within the MSA. Another consideration was that Denver's analysis was based on U.S. Census data, which was available for the Denver MSA, but not for the city itself. There was no undue burden placed on nonculpable parties, as Denver had conducted a majority of its construction contracts within the area

³⁸ *Coral Construction*, 941 F.2d at 917.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Concrete Works*, 36 F.3d at 1528.



defined as the local market. Citing *AGCCII*,⁴² the court noted “that any plan that extends race-conscious remedies beyond territorial boundaries must be based on very specific findings that actions that the city has taken in the past have visited racial discrimination on such individuals.”⁴³

Similarly, New York State conducted a disparity study in which the geographic market consisted of New York State and eight counties in northern New Jersey. The geographic market was defined as the area encompassing the location of businesses which received more than 90 percent of the dollar value of all contracts awarded by the agency.⁴⁴

State and local governments must pay special attention to the geographical scope of their disparity studies. *Croson* determined that the statistical analysis should focus on the number of qualified minority business owners in the government’s marketplace.⁴⁵ The text of *Croson* itself suggests that the geographical boundaries of the government entity comprise an appropriate market area and other courts have agreed with this finding.

It follows then that an entity may limit consideration of evidence of discrimination to discrimination occurring within its own jurisdiction, and extra-jurisdictional evidence can only be used if there is specific evidence to support such boundaries.

II. MARKET AREA ANALYSIS

Croson and its progeny do not provide a bright line rule for the delineation of the local market area. Taken collectively, however, the case law supports a definition of market area as the geographical boundaries of the government entity or the location of the businesses that received the majority of the dollars awarded by that agency. The prime contractor utilization analysis determined that the County awarded the majority of its contracts to businesses that were located within its geographical boundaries. Therefore, it is within Miami-Dade County that evidence of discrimination may be considered.

⁴² *AGCCII*, 950 F.2d 1401 (9th Cir. 1991).

⁴³ *Concrete Works*, 36 F.3d at 1528.

⁴⁴ *Opportunity Denied! New York State’s Study*, 26 URBAN LAWYER No. 3, Summer 1994.

⁴⁵ *Croson*, 488 U.S. at 501.



1. Summary of the Distribution of All Contracts Awarded

The County awarded 6,401 prime contracts valued at \$1,843,468,055 during the January 1, 2007 to December 31, 2011 study period. The distribution of contracts awarded and dollars received by all businesses within and outside of the market area is depicted below in Table 5.01.

**Table 5.01: Distribution of All Contracts Awarded
January 1, 2007 to December 31, 2011**

County	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
MIAMI-DADE	5580	\$1,559,269,599	87.17%	84.58%
BROWARD	259	\$191,037,789	4.05%	10.36%
HILLSBOROUGH	30	\$10,078,785	0.47%	0.55%
PALM BEACH	87	\$9,107,633	1.36%	0.49%
DUVAL	9	\$7,972,841	0.14%	0.43%
SEMINOLE	22	\$7,642,143	0.34%	0.41%
SAINT LUCIE	13	\$2,138,134	0.20%	0.12%
ORANGE	13	\$1,899,446	0.20%	0.10%
JEFFERSON	2	\$1,186,376	0.03%	0.06%
LEE	8	\$1,140,045	0.12%	0.06%
OSCEOLA	5	\$867,407	0.08%	0.05%
MARTIN	4	\$850,133	0.06%	0.05%
PINELLAS	13	\$693,664	0.20%	0.04%
VOLUSIA	2	\$599,361	0.03%	0.03%
FLAGLER	2	\$579,115	0.03%	0.03%
INDIAN RIVER	1	\$571,428	0.02%	0.03%
COLLIER	4	\$519,750	0.06%	0.03%
BREVARD	8	\$408,096	0.12%	0.02%
POLK	21	\$341,105	0.33%	0.02%
SARASOTA	2	\$339,869	0.03%	0.02%
PASCO	2	\$119,187	0.03%	0.01%
MARION	5	\$54,686	0.08%	0.00%
CLAY	1	\$12,306	0.02%	0.00%
ALACHUA	2	\$7,021	0.03%	0.00%
MONROE	1	\$4,463	0.02%	0.00%
BAY	3	\$3,650	0.05%	0.00%
ESCAMBIA	1	\$3,152	0.02%	0.00%
HIGHLANDS	1	\$2,395	0.02%	0.00%
OUT OF STATE	300	\$46,018,475	4.69%	2.50%
TOTAL	6,401	\$1,843,468,055	100.00%	100.00%



2. Distribution of Construction Contracts Awarded

The County awarded 3,723 construction contracts valued at \$1,399,556,250 during the study period. Businesses located in Miami-Dade County received 97.15 percent of the construction contracts and 83.7 percent of the construction dollars. The distribution of the construction contracts awarded and dollars received by all firms within and outside of the market area is depicted below in Table 5.02.

**Table 5.02: Distribution of Construction Contracts Awarded
January 1, 2007 to December 31, 2011**

County	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
MIAMI-DADE	3617	\$1,171,371,522.43	97.15%	83.70%
BROWARD	66	\$177,875,761.71	1.77%	12.71%
HILLSBOROUGH	4	\$9,241,873.96	0.11%	0.66%
DUVAL	2	\$7,940,983.28	0.05%	0.57%
PALM BEACH	14	\$4,881,762.79	0.38%	0.35%
SEMINOLE	2	\$3,141,756.24	0.05%	0.22%
JEFFERSON	2	\$1,186,375.52	0.05%	0.08%
MARTIN	1	\$765,000.00	0.03%	0.05%
LEE	2	\$309,500.00	0.05%	0.02%
PINELLAS	1	\$308,615.15	0.03%	0.02%
OUT OF STATE	12	\$22,533,099.32	0.32%	1.61%
TOTAL	3,723	\$1,399,556,250	100.00%	100.00%



3. Distribution of Architecture and Engineering Contracts Awarded

The County awarded 754 architecture and engineering contracts valued at \$337,014,217 during the study period. Businesses located in the market area received 89.79 percent of the architecture and engineering contracts and 95.04 percent of the architecture and engineering dollars. The distribution of the architecture and engineering contracts awarded and dollars received by all businesses within and outside of the market area is depicted below in Table 5.03.

Table 5.03: Distribution of Architecture and Engineering Services Contracts Awarded January 1, 2007 to December 31, 2011

County	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
MIAMI-DADE	677	\$320,294,783.39	89.79%	95.04%
BROWARD	18	\$4,811,093.67	2.39%	1.43%
PALM BEACH	28	\$2,981,039.59	3.71%	0.88%
ORANGE	4	\$1,870,171.00	0.53%	0.55%
HILLSBOROUGH	11	\$711,850.00	1.46%	0.21%
FLAGLER	2	\$579,115.00	0.27%	0.17%
VOLUSIA	1	\$571,428.00	0.13%	0.17%
INDIAN RIVER	1	\$571,428.00	0.13%	0.17%
OUT OF STATE	12	\$4,623,308.60	1.59%	1.37%
TOTAL	754	\$337,014,217	100.00%	100.00%



4. Distribution of Professional Services Contracts Awarded

The County awarded 155 professional services contracts valued at \$8,992,266 during the study period. Businesses located in the market area received 80 percent of the professional services contracts and 80.08 percent of the professional services dollars. The distribution of the professional services contracts awarded and dollars received by all businesses within and outside of the market area is depicted below in Table 5.04.

**Table 5.04: Distribution of Professional Services Contracts Awarded
January 1, 2007 to December 31, 2011**

County	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
MIAMI-DADE	124	7,200,580.62	80.00%	80.08%
BROWARD	15	544,841.00	9.68%	6.06%
MARION	3	48,000.00	1.94%	0.53%
PASCO	1	42,750.00	0.65%	0.48%
ALACHUA	2	7,021.00	1.29%	0.08%
HILLSBOROUGH	1	3,120.00	0.65%	0.03%
OUT OF STATE	9	1,145,953.53	5.81%	12.74%
TOTAL	155	\$8,992,266	100.00%	100.00%



5. Distribution of Goods and Other Services Contracts Awarded

The County awarded 1,769 goods and other services contracts valued at \$97,905,321 during the study period. Businesses located in the market area received 65.69 percent of the goods and other services contracts and 61.7 percent of the goods and other services dollars. The distribution of the contracts awarded and dollars received by all businesses within and outside of the market area is depicted below in Table 5.05.

**Table 5.05: Distribution of Goods and Other Services Contracts Awarded
January 1, 2007 to December 31, 2011**

County	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
MIAMI-DADE	1162	\$60,402,712.56	65.69%	61.70%
BROWARD	160	\$7,806,092.96	9.04%	7.97%
SEMINOLE	20	\$4,500,386.51	1.13%	4.60%
SAINT LUCIE	13	\$2,138,134.10	0.73%	2.18%
PALM BEACH	45	\$1,244,830.69	2.54%	1.27%
OSCEOLA	5	\$867,407.00	0.28%	0.89%
LEE	6	\$830,544.88	0.34%	0.85%
COLLIER	4	\$519,750.00	0.23%	0.53%
BREVARD	8	\$408,096.00	0.45%	0.42%
PINELLAS	12	\$385,048.96	0.68%	0.39%
POLK	21	\$341,105.45	1.19%	0.35%
SARASOTA	2	\$339,868.50	0.11%	0.35%
HILLSBOROUGH	14	\$121,941.28	0.79%	0.12%
MARTIN	3	\$85,133.00	0.17%	0.09%
PASCO	1	\$76,437.00	0.06%	0.08%
DUVAL	7	\$31,858.00	0.40%	0.03%
ORANGE	9	\$29,275.00	0.51%	0.03%
VOLUSIA	1	\$27,933.00	0.06%	0.03%
CLAY	1	\$12,306.00	0.06%	0.01%
MARION	2	\$6,686.00	0.11%	0.01%
MONROE	1	\$4,463.00	0.06%	0.00%
BAY	3	\$3,650.12	0.17%	0.00%
ESCAMBIA	1	\$3,152.00	0.06%	0.00%
HIGHLANDS	1	\$2,395.00	0.06%	0.00%
OUT OF STATE	267	\$17,716,113.90	15.09%	18.10%
TOTAL	1,769	\$97,905,321	100.00%	100.00%



III. MIAMI-DADE COUNTY DISPARITY STUDY MARKET AREA

During the study period, the County awarded 6,401 construction, architecture and engineering, professional services, and other goods and services contracts valued at \$1,843,468,055. The County awarded 87.17 percent of these contracts representing 84.58 percent of the dollars to businesses located in Miami-Dade County. The Study's market area is determined to be the geographical boundaries of Miami-Dade County. Thus, the analysis of discrimination has been limited to an examination of contracts awarded to available Miami-Dade County businesses.

Table 5.06 below presents an overview of the number of construction, architecture and engineering, professional services, and other goods and services contracts the County awarded and the dollars spent in the market area during the study period.

Construction Contracts: 3,617 or 97.15 percent of these contracts were awarded to market area businesses. The dollar value of those contracts was \$1,171,371,522 or 83.7 percent of the total construction dollars.

Architecture and Engineering Contracts: 677 or 89.79 percent of these contracts were awarded to market area businesses. The dollar value of those contracts was \$320,294,783 or 95.04 percent of the total architecture and engineering dollars.

Professional Services Contracts: 124 or 80 percent of these contracts were awarded to market area businesses. The dollar value of those contracts was \$7,200,581 or 80.08 percent of the total professional services dollars.

Goods and Other Services Contracts: 1,162 or 65.69 percent of these contracts were awarded to market area businesses. The dollar value of those contracts was \$60,402,713 or 61.7 percent of the total other goods and services dollars.



**Table 5.06: Miami-Dade County's Contract Distribution
Within and Outside the Market Area for All Industries,
January 1, 2007 to December 31, 2011**

Market Area	Number of Contracts	Total Dollars	Percent of Contracts	Percent of Dollars
Combined Industries				
Miami-Dade County	5,580	\$1,559,269,599	87.17%	84.58%
Outside Market Area	821	\$284,198,456	12.83%	15.42%
TOTAL	6,401	\$1,843,468,055	100.00%	100.00%
Construction				
Miami-Dade County	3,617	\$1,171,371,522	97.15%	83.70%
Outside Market Area	106	\$228,184,728	2.85%	16.30%
TOTAL	3,723	\$1,399,556,250	100.00%	100.00%
Architecture and Engineering				
Miami-Dade County	677	\$320,294,783	89.79%	95.04%
Outside Market Area	77	\$16,719,434	10.21%	4.96%
TOTAL	754	\$337,014,217	100.00%	100.00%
Professional Services				
Miami-Dade County	124	\$7,200,581	80.00%	80.08%
Outside Market Area	31	\$1,791,686	20.00%	19.92%
TOTAL	155	\$8,992,266	100.00%	100.00%
Goods and Other Services				
Miami-Dade County	1,162	\$60,402,713	65.69%	61.70%
Outside Market Area	607	\$37,502,608	34.31%	38.30%
TOTAL	1,769	\$97,905,321	100.00%	100.00%



CHAPTER 6: PRIME AND SUBCONTRACTOR AVAILABILITY ANALYSIS

I. INTRODUCTION

Availability is defined, according to *Croson*, as the number of qualified businesses in the jurisdiction's market area that are willing and able to provide goods or services.⁴⁶ To determine availability, Minority and Woman-owned Business Enterprises (M/WBEs) and Non-Minority Male-owned Business Enterprises (non-M/WBEs) within the jurisdiction's market area that are ready, willing, and able to provide the goods and services need to be enumerated. The market area for the four industries—construction, architecture and engineering, professional services, and goods and other services, is defined in *Chapter 5: Market Area Analysis* is Miami-Dade County (County).

When considering sources for determining the number of willing and able M/WBEs and non-M/WBEs in the market area, the selection must be based on whether two aspects about the population in question can be gauged from the sources. One consideration is a business' interest in doing business with the jurisdiction, as implied by the term "willing," and the other is its ability or capacity to provide services or goods, as implied by the term "able."

II. PRIME CONTRACTOR AVAILABILITY DATA SOURCES

A. Identification of Willing Businesses within the Market Area

Three types of sources were used to identify businesses in the market area that provide the goods and services that the County procures. One source was the County's records, including vendors, bidders and utilized lists. The second source was government certification directories. The third source was professional and trade association membership lists and Chambers of Commerce. Only businesses determined to be willing were added to the availability list. Any business identified as "willing" from more than one source was counted only once in an industry. A business that was willing to provide goods or services in more than one industry was listed uniquely in the availability list for each relevant industry.

⁴⁶ *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 509 (1989).



The three sources were ranked with the highest rank assigned to the utilized businesses, bidders, and vendors. Government certification lists ranked second and business association membership lists third. Bidders and vendor lists were then appended. Businesses identified on certification lists collected from federal and local government certification agencies were thereafter appended. The local certification lists included small, minority, women, and disadvantaged business enterprises (S/M/W/DBEs). Businesses on association membership and chambers of commerce lists which affirmed their willingness through a survey of business association members were also appended.

Extensive targeted outreach to business associations in the market area was performed to identify and secure business membership lists. The outreach garnered a number of membership lists.

From the three sources, 2,934 unique market area businesses that provided goods or services in one or more of the four industries were identified. An accounting of the willing businesses derived by source is listed below.

1. Miami-Dade County Records

There were 1,363 utilized businesses, bidders, and vendors. From these sources 1,004 unique businesses located in the geographic market area were added to the availability database.

2. Government Certification Lists

There were 4,116 certified businesses identified from government certification lists. From these certification lists, duplicates were removed, and 1,050 unique certified businesses were added to the availability list.

3. Business Association Membership Lists

From the business and trade association membership lists, and chambers of commerce 1,350 unique market area businesses in the four industries were identified. The unique list was queried for businesses with a telephone number. There were 1,047 businesses with telephone numbers. These businesses were surveyed to determine their willingness to contract with the County. Of the 1,047 surveyed businesses, 237 refused to participate, 326 did not respond to any of three telephone calls, 32 telephone numbers were disconnected, and 162 businesses completed the survey. Of the 162 businesses that completed the survey, 135 were willing businesses and added to the availability list.



B. Prime Contractor Sources

Table 6.01 lists the sources from which the list of willing businesses was compiled.

Table 6.01: Prime Contractor Availability Data Sources

Source	Type of Information
Miami-Dade County Records	
Miami-Dade County Utilized Businesses	M/WBEs and Non-M/WBEs
Government Certification Directories	
Florida Department of Management Services Office of Supplier Diversity	M/WBEs and Non-M/WBEs
Florida Minority Business Enterprise Certified List	M/WBEs
Florida Unified Certification Program List	DBEs
Miami-Dade Internal Services Department Vendor Registration List	M/WBEs and Non-M/WBEs
Miami-Dade Public School Certified Firms	M/WBEs
Small Business Development Certification List	M/WBEs and Non-M/WBEs
Small Business Enterprise Certification List	M/WBEs and Non-M/WBEs
Small Business Administration-Florida	M/WBEs and DBEs
Business and Trade Association Membership Lists	
Air Conditioning Contractors of America	M/WBEs and Non-M/WBEs
American Concrete Institute of Architects - Florida	M/WBEs and Non-M/WBEs
American Institute of Architects - Florida	M/WBEs and Non-M/WBEs
Associated General Contractors of America- Florida East Coast Chapter	M/WBEs and Non-M/WBEs
Association of Professional Landscape Designers	M/WBEs and Non-M/WBEs
Broward County Minority Builders Coalition, Inc.	M/WBEs



Source	Type of Information
Business Network International Miami-Dade	M/WBEs and Non-M/WBEs
Directory of African American Architects	M/WBEs
Florida Irrigation Society	M/WBEs and Non-M/WBEs
Florida Prestressed Concrete Association	M/WBEs and Non-M/WBEs
Masonry Association of Florida	M/WBEs and Non-M/WBEs
Mechanical Contractors Association	M/WBEs and Non-M/WBEs
Nursery Growers and Landscape Association	M/WBEs and Non-M/WBEs
Roofing Contractors Association of South Florida	M/WBEs and Non-M/WBEs
South Florida Air Conditioning Contractors Association	M/WBEs and Non-M/WBEs
The Greater Kendall Business Association	M/WBEs and Non-M/WBEs
Women's Business Development Council of Florida	M/WBEs
Chambers of Commerce Membership Lists	
Aventura Sunny Isles Beach Florida Chamber of Commerce	M/WBEs and Non-M/WBEs
Brazilian Chamber of Commerce of Florida	M/WBEs
Chamber South	M/WBEs and Non-M/WBEs
Coral Gables Chamber of Commerce	M/WBEs and Non-M/WBEs
Greater Homestead Florida City Chamber of Commerce	M/WBEs and Non-M/WBEs
Key Biscayne Chamber of Commerce	M/WBEs and Non-M/WBEs
Miami Beach Chamber of Commerce	M/WBEs and Non-M/WBEs
Miami Beach Latin Chamber of Commerce	M/WBEs
Miami Shores Florida Chamber of Commerce	M/WBEs and Non-M/WBEs
North Miami Beach, Florida Chamber of Commerce	M/WBEs and Non-M/WBEs



C. Determination of Willingness

To be classified as willing, the business either bid on a government contract, secured government certification, or was listed on a business organization's membership list and affirmed an interest in contracting with the County through the willingness survey. Businesses identified from the 37 sources listed in Table 6.01 demonstrated their willingness to perform on public contracts. All businesses included in the availability analysis were determined to be willing to contract with the County. "Willingness" is defined in *Croson* and its progeny as a business' interest in doing government contracting.

D. Distribution of Available Prime Contractors by Source, Ethnicity, and Gender

Table 6.0 through Table 6.0 present the distribution of willing prime contractors by source. The highest ranked source was the prime contractors utilized by the County. Each ranked business is *counted only once*. For example, a utilized prime contractor counted in the prime contractor utilization source was not counted a second time as a bidder, certified business, or company identified from a business association list.

As noted in Table 6.0, 96.91 percent of the businesses on the unique list of available prime contractors were obtained from the County and other government agencies' records, or certification lists. Willing businesses identified through the business association membership lists and the business community meetings represent 3.09 percent of the available businesses.

Table 6.02: Distribution of Prime Contractor Availability Data Sources, All Industries

Sources	M/WBEs Percentage	Non-M/WBEs Percentage
Prime Contractor Utilization	27.23%	63.00%
Pre-Qualified Firms	28.59%	12.22%
Certification Lists	41.08%	13.96%
Subtotal	96.91%	89.18%
Community Meeting Attendees	0.04%	0.00%
Willingness Survey	3.05%	10.82%
Subtotal	3.09%	10.82%
Grand Total*	100.00%	100.00%

*The percentages may not total 100 percent due to rounding



A distribution of available businesses by source also was calculated for each industry. As noted in Table 6.03, 99.23 percent of the construction businesses identified were derived from the County and other government agencies' records, and government certification lists. Companies identified through the business association membership lists represent 0.77 percent of the willing businesses.

Table 6.03: Distribution of Prime Contractor Availability Data Sources, Construction

Sources	M/WBEs Percentage	Non-M/WBEs Percentage
Prime Contractor Utilization	28.41%	45.45%
Pre-Qualified Firms	28.16%	23.78%
Certification Lists	42.66%	22.38%
Subtotal	99.23%	91.61%
Community Meeting Attendees	0.09%	0.00%
Willingness Survey	0.68%	8.39%
Subtotal	0.77%	8.39%
Grand Total*	100.00%	100.00%

*The percentages may not total 100 percent due to rounding

Table 6.04 depicts the data sources for the available architecture and engineering prime contractors. As noted, 98.33 percent of the architecture and engineering businesses identified were derived from the County and other government agencies' records, and government certification lists. Companies identified through the business association membership lists represent 1.67 percent of the willing businesses.

Table 6.04: Distribution of Prime Contractor Availability Data Sources, Architecture and Engineering

Sources	M/WBEs Percentage	Non-M/WBEs Percentage
Prime Contractor Utilization	40.43%	75.20%
Pre-Qualified Firms	23.21%	7.20%
Certification Lists	34.69%	12.00%
Subtotal	98.33%	94.40%
Community Meeting Attendees	0.24%	0.18%
Willingness Survey	1.44%	5.60%
Subtotal	1.67%	5.60%
Grand Total*	100.00%	100.00%

*The percentages may not total 100 percent due to rounding



Table 6.05 depicts the data sources for the available professional services prime contractors. As noted, 92.73 percent of the professional services businesses identified were derived from the County and other government agencies' records, and government certification lists. Companies identified through the business association membership lists represent 7.27 percent of the willing businesses.

Table 6.05: Distribution of Prime Contractor Availability Data Sources, Professional Services

Sources	M/WBEs Percentage	Non-M/WBEs Percentage
Prime Contractor Utilization	2.42%	22.54%
Pre-Qualified Firms	38.33%	25.35%
Certification Lists	51.98%	38.17%
Subtotal	92.73%	76.06%
Willingness Survey	7.27%	23.94%
Subtotal	7.27%	23.94%
Grand Total*	100.00%	100.00%

*The percentages may not total 100 percent due to rounding

Table 6.0 depicts the data sources for the available goods and other services prime contractors. As noted, 94.77 percent of the goods and other services businesses identified were derived from the County and other government agencies' records, and government certification lists. Companies identified through the business association membership lists represent 5.23 percent of the willing businesses.

Table 6.06: Distribution of Prime Contractor Availability Data Sources, Goods and Other Services

Sources	M/WBEs Percentage	Non-M/WBEs Percentage
Prime Contractor Utilization	32.64%	77.11%
Pre-Qualified Firms	24.27%	4.82%
Certification Lists	37.87%	7.63%
Subtotal	94.77%	89.56%
Willingness Survey	5.23%	10.44%
Subtotal	5.23%	10.44%
Grand Total*	100.00%	100.00%

*The percentages may not total 100 percent due to rounding



III. CAPACITY

The second component of the availability requirement set forth in *Croson* is the capacity or ability of a business to perform the contracts the jurisdiction awards.⁴⁷ However, capacity requirements are not delineated in *Croson*. In those cases where capacity has been considered the matter has involved large, competitively bid construction prime contracts. Nevertheless the capacity of willing market area businesses to contract with the County was assessed. Two measures were used.

- The size of all prime contracts awarded by the County was analyzed to determine the capacity needed to perform the average awarded contract.
- The largest contracts awarded to M/WBEs were identified to determine demonstrated ability to win large, competitively bid contracts.

A. Size of Contracts Analyzed

The County's construction, architecture and engineering, professional services, and goods and other services contracts were analyzed to determine the size of awarded contracts in order to gauge the capacity required to perform on the County's contracts. The size of the County's contracts demonstrates that the majority of the contracts are small, requiring limited capacity to perform.

For the size analysis, the County's contracts were grouped into eight dollar ranges.⁴⁸ Each industry was analyzed to determine the number and percentage of contracts that fell within the eight size categories. The size distribution of contracts awarded to Non-Minority Males was then compared to the size distribution of contracts awarded to Caucasian Females, Minority Females, and Minority Males.

1. All Industries Contracts by Size

Table 6.07 depicts all of the industry contracts awarded within the eight dollar ranges. Contracts valued at less than \$25,000 were 61.49 percent. Those less than \$50,000 were 70.22 percent. Those less than \$100,000 were 78.53 percent and those less than \$250,000 were 86.8 percent.

2. Construction Contracts by Size

Table 6.08 depicts the construction contracts awarded within the eight dollar ranges. Contracts valued at less than \$25,000 were 63.74 percent. Those less than \$50,000 were

⁴⁷ *Croson*, 488 U.S. 469.

⁴⁸ The eight dollar ranges are \$1 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1,000,000 to \$2,999,999; and \$3,000,000 and greater.



69.76 percent. Those less than \$100,000 were 76.18 percent and those less than \$250,000 were 83.75 percent.

3. Architecture and Engineering Contracts by Size

Table 6.09 depicts the architecture and engineering contracts within the eight dollar ranges. Contracts valued at less than \$25,000 were 32.76 percent. Those less than \$50,000 were 53.45 percent. Those less than \$100,000 were 70.96 percent and those less than \$250,000 were 81.17 percent.

4. Professional Services Contracts by Size

Table 6.10 depicts professional services contracts within the eight dollar ranges. Contracts valued at less than \$25,000 were 69.03 percent. Those less than \$50,000 were 80.64 percent. Those less than \$100,000 were 89.67 percent and those less than \$250,000 were 97.41 percent.

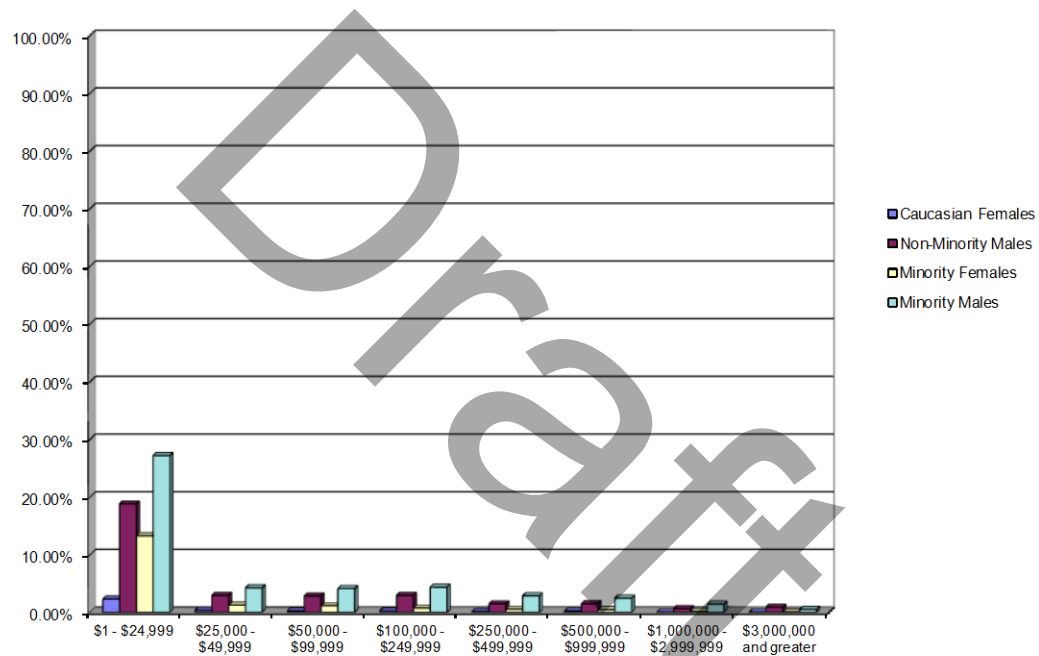
5. Goods and Other Services Contracts by Size

Table 6.11 depicts goods and other services contracts within the eight dollar ranges. Contracts valued at less than \$25,000 were 68.34 percent. Those less than \$50,000 were 77.44 percent. Those less than \$100,000 were 80.75 percent and those less than \$250,000 were 89.68 percent.



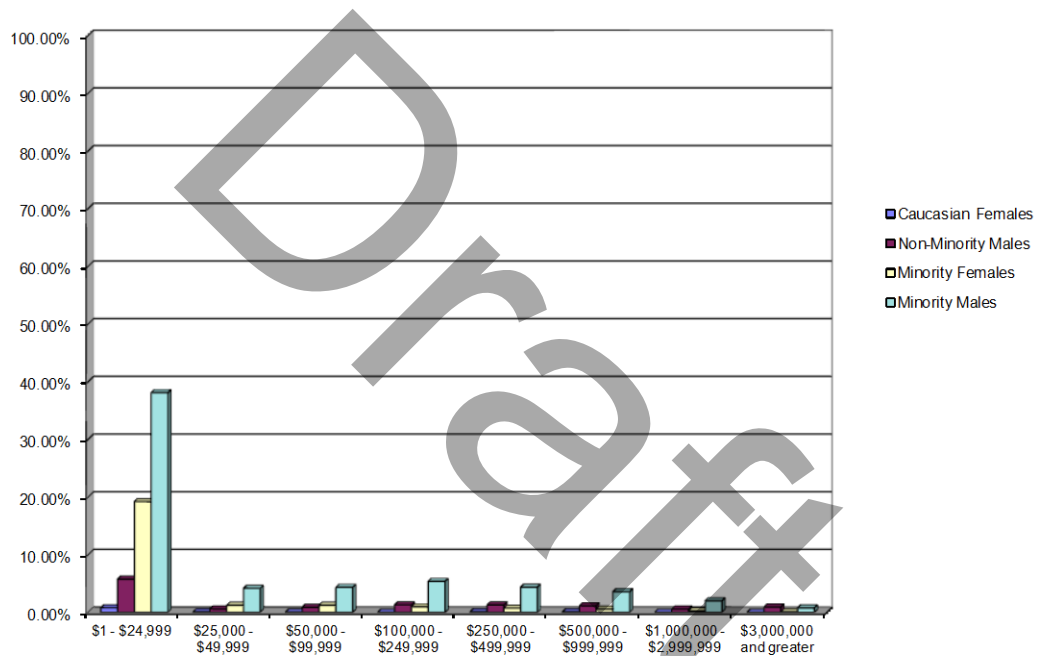
**Table 6.07: All Industry Contracts by Size,
January 1, 2007 to December 31, 2011**

Size	Non-Minority				Minority				Total	
	Females		Males		Females		Males			
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	146	2.28%	1,202	18.78%	849	13.26%	1,739	27.17%	3,936	61.49%
\$25,000 - \$49,999	22	0.34%	187	2.92%	79	1.23%	271	4.23%	559	8.73%
\$50,000 - \$99,999	16	0.25%	180	2.81%	73	1.14%	263	4.11%	532	8.31%
\$100,000 - \$249,999	17	0.27%	186	2.91%	47	0.73%	279	4.36%	529	8.26%
\$250,000 - \$499,999	8	0.12%	93	1.45%	34	0.53%	182	2.84%	317	4.95%
\$500,000 - \$999,999	14	0.22%	94	1.47%	29	0.45%	157	2.45%	294	4.59%
\$1,000,000 - \$2,999,999	1	0.02%	40	0.62%	10	0.16%	90	1.41%	141	2.20%
\$3,000,000 and greater	1	0.02%	56	0.87%	5	0.08%	31	0.48%	93	1.45%
Total	225	3.52%	2,038	31.84%	1,126	17.59%	3,012	47.06%	6,401	100.00%



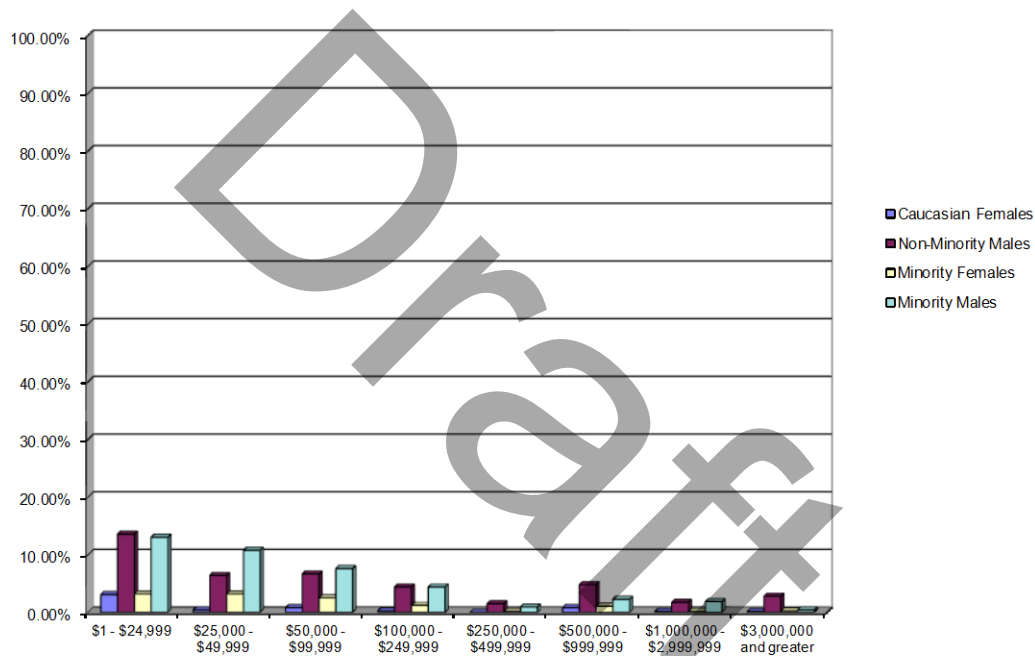
**Table 6.08: Construction Contracts by Size,
January 1, 2007 to December 31, 2011**

Size	Non-Minority				Minority				Total	
	Females		Males		Females		Males			
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	29	0.78%	213	5.72%	714	19.18%	1,417	38.06%	2,373	63.74%
\$25,000 - \$49,999	3	0.08%	21	0.56%	45	1.21%	155	4.16%	224	6.02%
\$50,000 - \$99,999	1	0.03%	32	0.86%	45	1.21%	161	4.32%	239	6.42%
\$100,000 - \$249,999	0	0.00%	48	1.29%	35	0.94%	199	5.35%	282	7.57%
\$250,000 - \$499,999	3	0.08%	47	1.26%	27	0.73%	162	4.35%	239	6.42%
\$500,000 - \$999,999	3	0.08%	42	1.13%	20	0.54%	133	3.57%	198	5.32%
\$1,000,000 - \$2,999,999	0	0.00%	20	0.54%	9	0.24%	74	1.99%	103	2.77%
\$3,000,000 and greater	0	0.00%	34	0.91%	3	0.08%	28	0.75%	65	1.75%
Total	39	1.05%	457	12.28%	898	24.12%	2,329	62.56%	3,723	100.00%



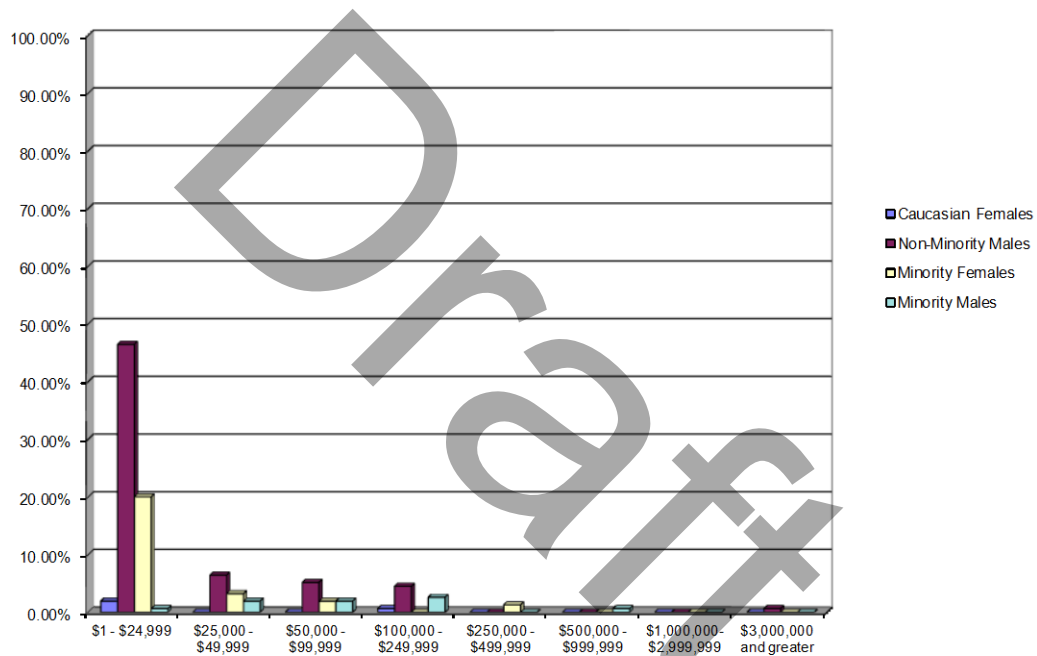
**Table 6.09: Architecture and Engineering Contracts by Size,
January 1, 2007 to December 31, 2011**

Size	Non-Minority				Minority				Total	
	Females		Males		Females		Males			
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	23	3.05%	102	13.53%	24	3.18%	98	13.00%	247	32.76%
\$25,000 - \$49,999	3	0.40%	48	6.37%	24	3.18%	81	10.74%	156	20.69%
\$50,000 - \$99,999	6	0.80%	50	6.63%	19	2.52%	57	7.56%	132	17.51%
\$100,000 - \$249,999	2	0.27%	33	4.38%	9	1.19%	33	4.38%	77	10.21%
\$250,000 - \$499,999	0	0.00%	11	1.46%	1	0.13%	7	0.93%	19	2.52%
\$500,000 - \$999,999	6	0.80%	36	4.77%	8	1.06%	17	2.25%	67	8.89%
\$1,000,000 - \$2,999,999	1	0.13%	13	1.72%	1	0.13%	14	1.86%	29	3.85%
\$3,000,000 and greater	1	0.13%	21	2.79%	2	0.27%	3	0.40%	27	3.58%
Total	42	5.57%	314	41.64%	88	11.67%	310	41.11%	754	100.00%



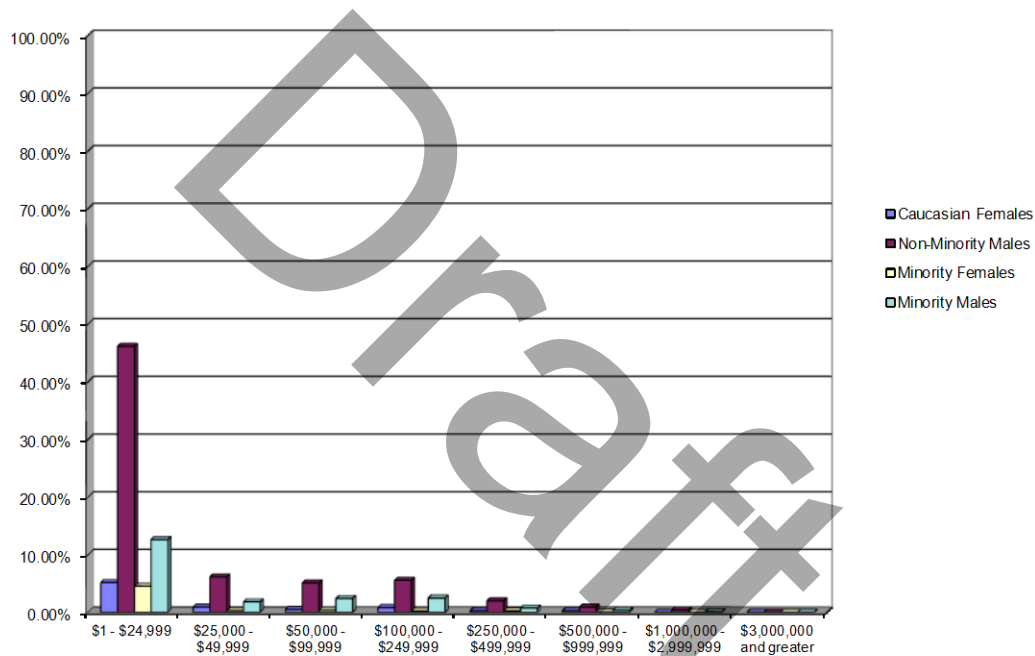
**Table 6.10: Professional Services Contracts by Size,
January 1, 2007 to December 31, 2011**

Size	Non-Minority				Minority				Total	
	Females		Males		Females		Males			
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	3	1.94%	72	46.45%	31	20.00%	1	0.65%	107	69.03%
\$25,000 - \$49,999	0	0.00%	10	6.45%	5	3.23%	3	1.94%	18	11.61%
\$50,000 - \$99,999	0	0.00%	8	5.16%	3	1.94%	3	1.94%	14	9.03%
\$100,000 - \$249,999	1	0.65%	7	4.52%	0	0.00%	4	2.58%	12	7.74%
\$250,000 - \$499,999	0	0.00%	0	0.00%	2	1.29%	0	0.00%	2	1.29%
\$500,000 - \$999,999	0	0.00%	0	0.00%	0	0.00%	1	0.65%	1	0.65%
\$1,000,000-\$2,999,999	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
\$3,000,000 and greater	0	0.00%	1	0.65%	0	0.00%	0	0.00%	1	0.65%
Total	4	2.58%	98	63.23%	41	26.45%	12	7.74%	155	100.00%



**Table 6.11: Goods and Other Services Contracts by Size,
January 1, 2007 to December 31, 2011**

Size	Non-Minority				Minority				Total	
	Females		Males		Females		Males			
	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent	Freq	Percent
\$1 - \$24,999	91	5.14%	815	46.07%	80	4.52%	223	12.61%	1,209	68.34%
\$25,000 - \$49,999	16	0.90%	108	6.11%	5	0.28%	32	1.81%	161	9.10%
\$50,000 - \$99,999	9	0.51%	90	5.09%	6	0.34%	42	2.37%	147	8.31%
\$100,000 - \$249,999	14	0.79%	98	5.54%	3	0.17%	43	2.43%	158	8.93%
\$250,000 - \$499,999	5	0.28%	35	1.98%	4	0.23%	13	0.73%	57	3.22%
\$500,000 - \$999,999	5	0.28%	16	0.90%	1	0.06%	6	0.34%	28	1.58%
\$1,000,000 - \$2,999,999	0	0.00%	7	0.40%	0	0.00%	2	0.11%	9	0.51%
\$3,000,000 and greater	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total	140	7.91%	1,169	66.08%	99	5.60%	361	20.41%	1,769	100.00%



B. Largest M/WBE Contract Awarded by Industry

M/WBEs were awarded large contracts in each industry. The distribution of the largest contracts the County awarded to M/WBEs is depicted in Table 6.12. In each industry, M/WBEs were awarded very large, competitively bid contracts. The utilization analysis shows that M/WBEs demonstrated the capacity to successfully compete for contracts as large as \$51,687,958 in construction, \$14,536,250 in architecture and engineering, \$899,836 in professional services, and \$2,314,319 in goods and other services.

Table 6.12: Largest M/WBE Contracts Awarded by Miami-Dade County

Ethnic/Gender Group	Construction	Architecture and Engineering	Professional Services	Goods and Non-Professional Services
African American Female	\$ 525,000	----	\$ 379,373	\$ 566,144
African American Male	\$ 1,309,000	\$ 1,050,025	----	\$ 1,005,726
Asian American Female	\$ 139,680	\$ 1,216,181	----	\$ 2,114
Asian American Male	\$ 97,400	\$ 1,008,927	\$ 899,836	\$ 210,000
Hispanic American Female	\$ 4,215,978	\$ 4,000,000	\$ 457,275	\$ 348,570
Hispanic American Male	\$ 51,687,958	\$14,536,250	\$ 160,542	\$ 2,314,319
Native American Female	----	----	----	----
Native American Male	----	----	----	----
Caucasian Female	\$ 644,795	\$ 4,900,000	\$ 178,300	\$ 904,192
Largest Dollar Amounts MBEs	\$ 51,687,958	\$14,536,250	\$ 899,836	\$ 2,314,319
Largest Dollar Amounts WBEs	\$ 4,215,978	\$ 4,900,000	\$ 457,275	\$ 904,192

(----) Denotes a group that was not awarded any contracts within the respective industry.



IV. PRIME CONTRACTOR AVAILABILITY ANALYSIS

As noted in *Chapter 3: Prime Contractor Utilization Analysis*, the decision was made to limit the prime contracts subject to the disparity analysis to those under \$250,000. Formal bids are not required for prime contracts under \$250,000.

The prime contractor availability findings for the County's market area are as follows:

A. All Industry Prime Contractor Availability

The distribution of available prime contractors for all industries is summarized in Table 6.13 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 15.03 percent of all of the industries businesses in the County's market area.

Asian Americans account for 1.91 percent of all of the industries businesses in the County's market area.

Hispanic Americans account for 57.93 percent of all of the industries businesses in the County's market area.

Native Americans account for 0.03 percent of all of the industries businesses in the County's market area.

Minority Business Enterprises account for 74.88 percent of all of the industries businesses in the County's market area.

Women Business Enterprises account for 5.56 percent of all of the industries businesses in the County's market area.

Minority and Women Business Enterprises account for 80.44 percent of all of the industries businesses in the County's market area.

Non-Minority Male Business Enterprises account for 19.57 percent of all of the industries businesses in the County's market area.



Table 6.13: Available Prime Contractors – All Industries

Ethnicity	Percent of Businesses
African Americans	15.03%
Asian Americans	1.91%
Hispanic Americans	57.91%
Native Americans	0.03%
Caucasian Females	5.56%
Non-Minority Males	19.56%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	4.09%
African American Males	10.94%
Asian American Females	0.58%
Asian American Males	1.33%
Hispanic American Females	15.24%
Hispanic American Males	42.67%
Native American Females	0.00%
Native American Males	0.03%
Caucasian Females	5.56%
Non-Minority Males	19.56%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	19.90%
Minority Males	54.98%
Caucasian Females	5.56%
Non-Minority Males	19.56%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	74.88%
Women Business Enterprises	5.56%
Minority and Women Business Enterprises	80.44%
Non-Minority Male Business Enterprises	19.56%
TOTAL	100.00%



B. Construction Prime Contractor Availability

The distribution of available construction prime contractors is summarized in Table 6.14 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 15.59 percent of the construction businesses in the County's market area.

Asian Americans account for 1.06 percent of the construction businesses in the County's market area.

Hispanic Americans account for 69.05 percent of the construction businesses in the County's market area.

Native Americans account for none of the construction businesses in the County's market area.

Minority Business Enterprises account for 85.7 percent of the construction businesses in the County's market area.

Women Business Enterprises account for 3.35 percent of the construction businesses in the County's market area.

Minority and Women Business Enterprises account for 89.05 percent of the construction businesses in the County's market area.

Non-Minority Male Business Enterprises account for 10.95 percent of the construction businesses in the County's market area.



Table 6.14: Available Construction Prime Contractors

Ethnicity	Percent of Businesses
African Americans	15.59%
Asian Americans	1.06%
Hispanic Americans	69.05%
Native Americans	0.00%
Caucasian Females	3.35%
Non-Minority Males	10.95%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	2.74%
African American Males	12.85%
Asian American Females	0.38%
Asian American Males	0.68%
Hispanic American Females	15.51%
Hispanic American Males	53.54%
Native American Females	0.00%
Native American Males	0.00%
Caucasian Females	3.35%
Non-Minority Males	10.95%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	18.63%
Minority Males	67.07%
Caucasian Females	3.35%
Non-Minority Males	10.95%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	85.70%
Women Business Enterprises	3.35%
Minority and Women Business Enterprises	89.05%
Non-Minority Male Business Enterprises	10.95%
TOTAL	100.00%



C. Architecture and Engineering Prime Contractor Availability

The distribution of available architecture and engineering prime contractors is summarized in Table 6.5 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for seven percent of the architecture and engineering businesses in the County's market area.

Asian Americans account for 4.79 percent of the architecture and engineering businesses in the County's market area.

Hispanic Americans account for 58.56 percent of the architecture and engineering businesses in the County's market area.

Native Americans account for none of the architecture and engineering businesses in the County's market area.

Minority Business Enterprises account for 70.35 percent of the architecture and engineering businesses in the County's market area.

Women Business Enterprises account for 6.63 percent of the architecture and engineering businesses in the County's market area.

Minority and Women Business Enterprises account for 76.98 percent of the architecture and engineering businesses in the County's market area.

Non-Minority Male Business Enterprises account for 23.02 percent of the architecture and engineering businesses in the County's market area.



Table 6.15: Available Architecture and Engineering Prime Contractors

Ethnicity	Percent of Businesses
African Americans	7.00%
Asian Americans	4.79%
Hispanic Americans	58.56%
Native Americans	0.00%
Caucasian Females	6.63%
Non-Minority Males	23.02%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	0.55%
African American Males	6.45%
Asian American Females	1.10%
Asian American Males	3.68%
Hispanic American Females	14.36%
Hispanic American Males	44.20%
Native American Females	0.00%
Native American Males	0.00%
Caucasian Females	6.63%
Non-Minority Males	23.02%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	16.02%
Minority Males	54.33%
Caucasian Females	6.63%
Non-Minority Males	23.02%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	70.35%
Women Business Enterprises	6.63%
Minority and Women Business Enterprises	76.98%
Non-Minority Male Business Enterprises	23.02%
TOTAL	100.00%



D. Professional Services Prime Contractor Availability

The distribution of available professional services prime contractors is summarized in Table 6.6 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 21.71 percent of the professional services businesses in the County's market area.

Asian Americans account for 2.67 percent of the professional services businesses in the County's market area.

Hispanic Americans account for 53.52 percent of the professional services businesses in the County's market area.

Native Americans account for none of the professional services businesses in the County's market area.

Minority Business Enterprises account for 77.9 percent of the professional services businesses in the County's market area.

Women Business Enterprises account for 8.57 percent of the professional services businesses in the County's market area.

Minority and Women Business Enterprises account for 86.48 percent of the professional services businesses in the County's market area.

Non-Minority Male Business Enterprises account for 13.52 percent of the professional services businesses in the County's market area.



Table 6.16: Available Professional Services Prime Contractors

Ethnicity	Percent of Businesses
African Americans	21.71%
Asian Americans	2.67%
Hispanic Americans	53.52%
Native Americans	0.00%
Caucasian Females	8.57%
Non-Minority Males	13.52%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	9.33%
African American Males	12.38%
Asian American Females	0.95%
Asian American Males	1.71%
Hispanic American Females	21.14%
Hispanic American Males	32.38%
Native American Females	0.00%
Native American Males	0.00%
Caucasian Females	8.57%
Non-Minority Males	13.52%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	31.43%
Minority Males	46.48%
Caucasian Females	8.57%
Non-Minority Males	13.52%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	77.90%
Women Business Enterprises	8.57%
Minority and Women Business Enterprises	86.48%
Non-Minority Male Business Enterprises	13.52%
TOTAL	100.00%



E. Goods and Other Services Prime Contractor Availability

The distribution of available goods and other services prime contractors is summarized in Table 6.7 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 15.82 percent of the goods and other services businesses in the County's market area.

Asian Americans account for 1.38 percent of the goods and other services businesses in the County's market area.

Hispanic Americans account for 41.13 percent of the goods and other services businesses in the County's market area.

Native American Businesses account for 0.14 percent of the goods and other services businesses in the County's market area.

Minority Business Enterprises account for 58.46 percent of the goods and other services businesses in the County's market area.

Women Business Enterprises account for 7.29 percent of the goods and other services businesses in the County's market area.

Minority and Women Business Enterprises account for 65.75 percent of the goods and other services businesses in the County's market area.

Non-Minority Male Business Enterprises account for 34.25 percent of the goods and other services businesses in the County's market area.



Table 6.17: Available Goods and Other Services Prime Contractors

Ethnicity	Percent of Businesses
African Americans	15.82%
Asian Americans	1.38%
Hispanic Americans	41.13%
Native Americans	0.14%
Caucasian Females	7.29%
Non-Minority Males	34.25%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	5.50%
African American Males	10.32%
Asian American Females	0.28%
Asian American Males	1.10%
Hispanic American Females	12.38%
Hispanic American Males	28.75%
Native American Females	0.00%
Native American Males	0.14%
Caucasian Females	7.29%
Non-Minority Males	34.25%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	18.16%
Minority Males	40.30%
Caucasian Females	7.29%
Non-Minority Males	34.25%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	58.46%
Women Business Enterprises	7.29%
Minority and Women Business Enterprises	65.75%
Non-Minority Male Business Enterprises	34.25%
TOTAL	100.00%



V. SUBCONTRACTOR AVAILABILITY ANALYSIS

A. Source of Willing Subcontractors

All available prime contractors were included in the calculation of the subcontractor availability. Additional subcontractors in the market area were identified using the source in Table 6.18. Subcontractor availability was not calculated for the goods and other services industry, as the subcontracting activity in that industry was limited.

Table 6.18: Unique Subcontractor Availability Data Source

Type Record	Type Information
Subcontractors awarded a Miami-Dade County subcontract	M/WBEs and non-M/WBEs

B. Determination of Willingness and Capacity

Subcontractor availability was limited to the utilized prime contractors and the unique businesses utilized as subcontractors. Therefore, the determination of willingness was inherent in the source. *Croson* does not require a measure of subcontractor capacity. Thus, it is not necessary to address capacity issues in the analysis of subcontractor availability.



C. Construction Subcontractor Availability

The distribution of available construction subcontractors is summarized in Table 6.19 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 13.06 percent of the construction businesses in the County's market area.

Asian Americans account for 0.93 percent of the construction businesses in the County's market area.

Hispanic Americans account for 60.95 percent of the construction businesses in the County's market area.

Native Americans account for 0.12 percent of the construction businesses in the County's market area.

Minority Business Enterprises account for 75.06 percent of the construction businesses in the County's market area.

Women Business Enterprises account for 3.4 percent of the construction businesses in the County's market area.

Minority and Women Business Enterprises account for 78.47 percent of the construction businesses in the County's market area.

Non-Minority Male Business Enterprises account for 21.53 percent of the construction businesses in the County's market area.



Table 6.19: Available Construction Subcontractors

Ethnicity	Percent of Businesses
African Americans	13.06%
Asian Americans	0.93%
Hispanic Americans	60.95%
Native Americans	0.12%
Caucasian Females	3.40%
Non-Minority Males	21.53%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	2.29%
African American Males	10.77%
Asian American Females	0.37%
Asian American Males	0.56%
Hispanic American Females	13.68%
Hispanic American Males	47.28%
Native American Females	0.00%
Native American Males	0.12%
Caucasian Females	3.40%
Non-Minority Males	21.53%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	16.34%
Minority Males	58.73%
Caucasian Females	3.40%
Non-Minority Males	21.53%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	75.06%
Women Business Enterprises	3.40%
Minority and Women Business Enterprises	78.47%
Non-Minority Male Business Enterprises	21.53%
TOTAL	100.00%



D. Architecture and Engineering Subcontractor Availability

The distribution of available architecture and engineering subcontractors is summarized in Table 6.20 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 7.06 percent of the architecture and engineering businesses in the County's market area.

Asian Americans account for 4.82 percent of the architecture and engineering businesses in the County's market area.

Hispanic Americans account for 57.66 percent of the architecture and engineering businesses in the County's market area.

Native Americans account for 0.17 percent of the architecture and engineering businesses in the County's market area.

Minority Business Enterprises account for 69.71 percent of the architecture and engineering businesses in the County's market area.

Women Business Enterprises account for 6.37 percent of the architecture and engineering businesses in the County's market area.

Minority and Women Business Enterprises account for 76.08 percent of the architecture and engineering businesses in the County's market area.

Non-Minority Male Business Enterprises account for 23.92 percent of the architecture and engineering businesses in the County's market area.



Table 6.20: Available Architecture and Engineering Subcontractors

Ethnicity	Percent of Businesses
African Americans	7.06%
Asian Americans	4.82%
Hispanic Americans	57.66%
Native Americans	0.17%
Caucasian Females	6.37%
Non-Minority Males	23.92%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	1.03%
African American Males	6.02%
Asian American Females	1.03%
Asian American Males	3.79%
Hispanic American Females	14.29%
Hispanic American Males	43.37%
Native American Females	0.00%
Native American Males	0.17%
Caucasian Females	6.37%
Non-Minority Males	23.92%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	16.35%
Minority Males	53.36%
Caucasian Females	6.37%
Non-Minority Males	23.92%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	69.71%
Women Business Enterprises	6.37%
Minority and Women Business Enterprises	76.08%
Non-Minority Male Business Enterprises	23.92%
TOTAL	100.00%



E. Professional Services Subcontractor Availability

The distribution of available professional services subcontractors is summarized in Table 6.21 below. These ethnic and gender groups are defined in Table 3.01 of *Chapter 3: Prime Contractor Utilization Analysis*.

African Americans account for 20.95 percent of the professional services businesses in the County's market area.

Asian Americans account for 2.55 percent of the professional services businesses in the County's market area.

Hispanic Americans account for 52.28 percent of the professional services businesses in the County's market area.

Native Americans account for none percent of the professional services businesses in the County's market area.

Minority Business Enterprises account for 75.77 percent of the professional services businesses in the County's market area.

Women Business Enterprises account for 8.38 percent of the professional services businesses in the County's market area.

Minority and Women Business Enterprises account for 84.15 percent of the professional services businesses in the County's market area.

Non-Minority Male Business Enterprises account for 15.85 percent of the professional services businesses in the County's market area.



Table 6.21: Available Professional Services Subcontractors

Ethnicity	Percent of Businesses
African Americans	20.95%
Asian Americans	2.55%
Hispanic Americans	52.28%
Native Americans	0.00%
Caucasian Females	8.38%
Non-Minority Males	15.85%
TOTAL	100.00%
Ethnicity and Gender	Percent of Businesses
African American Females	9.11%
African American Males	11.84%
Asian American Females	0.91%
Asian American Males	1.64%
Hispanic American Females	20.40%
Hispanic American Males	31.88%
Native American Females	0.00%
Native American Males	0.00%
Caucasian Females	8.38%
Non-Minority Males	15.85%
TOTAL	100.00%
Minority and Gender	Percent of Businesses
Minority Females	30.42%
Minority Males	45.36%
Caucasian Females	8.38%
Non-Minority Males	15.85%
TOTAL	100.00%
Minority and Females	Percent of Businesses
Minority Business Enterprises	75.77%
Women Business Enterprises	8.38%
Minority and Women Business Enterprises	84.15%
Non-Minority Male Business Enterprises	15.85%
TOTAL	100.00%



VI. SUMMARY

This chapter detailed the availability of businesses within the market area. A total of 1,363 unique businesses that provided goods and services during the study period in one or more of the four industries were identified. Businesses were identified from the County's records, government certification lists, business and trade association membership lists, chambers of commerce, and business community meetings. A total of 27.23 percent of these businesses were identified from prime contractor utilization records, 28.59 percent were identified from pre-qualified lists, 41.08 percent were identified from certification lists, and 3.05 percent were identified from the willingness survey.

Prime contractor and subcontractor availability was analyzed by ethnicity and gender. For prime contracts, MBEs account for 74.88 percent of available businesses, WBEs account for 5.56 percent of available businesses, and Non-Minority Male Business Enterprises account for 19.56 percent of available businesses.



CHAPTER 7: REGRESSION AND PRIVATE SECTOR ANALYSIS

I. INTRODUCTION

Private sector business practices which are not subject to government minority and woman-owned business enterprise (MWBE) or disadvantaged business enterprise (DBE) requirements are indicators of marketplace conditions that could adversely affect the formation and growth of MWBEs, thereby depressing the current availability of MWBEs. *Concrete Works of Colorado v. City of Denver (Concrete Works II)*⁴⁹ sets forth a framework for considering a passive participant model for an analysis of discrimination in private sector business practices. In accordance with *Concrete Works II*, regression analyses were conducted to examine three outcome variables—business ownership rates, business earnings, and business loan approval. Each regression analysis compared minority group members⁵⁰ and Caucasian females to Caucasian males by controlling for race and gender-neutral explanatory variables such as age, education, marital status, and access to capital. The impact of the explanatory variables on the outcome variables is described in this chapter. These findings elucidate the socio-economic conditions in Miami-Dade County's (County) market area that should be considered when measuring the relative availability of MWBEs and Caucasian male-owned businesses.

The U.S. Census Public Use Microdata Sample (PUMS) data was used to compare minority and Caucasian females' probability of owning a business to the probability of Caucasian males owning a business. A logistic regression analysis was used to determine if race and gender have a statistically significant effect on the probability of business ownership. The PUMS data was also used to compare the business earnings of MWBEs to Caucasian male-owned businesses. An Ordinary Least Squares (OLS) regression was utilized to analyze the PUMS data for disparities in business earnings after controlling for race and gender-neutral factors. The Federal Reserve Board's National Survey of Small Business Finances (NSSBF) dataset was used to compare MWBEs' business loan approval probabilities to Caucasian male-owned businesses' loan approval probabilities, while controlling for other business explanatory variables in a Binary Logistic regression analysis.

The applicable limits of the private sector discrimination findings are set forth in *Builders*

⁴⁹ *Concrete Works of Colo., Inc. v. City of Denver*, 86 F. Supp. 2d 1042, 1073 (D. Colo. 2000), rev'd on other grounds, 321 F.3d 950 (10th Cir. 2003), cert. denied, 540 U.S. 1027 (2003).

⁵⁰ Minority group members include both males and females.



*Association of Greater Chicago v. City of Chicago*⁵¹ (*City of Chicago*), where the court established that even when there is evidence of private sector discrimination, the findings cannot be used as the factual predicate for a government-sponsored, race-conscious MWBE or DBE program unless there is a nexus between the private sector data and the public agency actions. The private sector findings, however, can be used to develop race-neutral programs to address barriers to the formation and development of MWBEs.

II. LEGAL ANALYSIS

A. Passive Discrimination

The controlling legal precedent set forth in the 1989 *City of Richmond v. J.A. Croson Co.*⁵² decision authorized state and local governments to remedy discrimination in the award of subcontracts by its prime contractors on the grounds that the government cannot be a “passive participant” in such discrimination. In January 2003 *Concrete Works II* and *City of Chicago* extended the private sector analysis to the investigation of discriminatory barriers that MWBEs encountered in the formation and development of businesses and their consequence for state and local remedial programs. *Concrete Works II* set forth a framework for considering such private sector discrimination as a passive participant model for analysis. However, the obligation of presenting an appropriate nexus between the government remedy and the private sector discrimination was first addressed in *City of Chicago*.

The Tenth Circuit Court decided in *Concrete Works II* that business activities conducted in the private sector, if within the government’s market area, are also appropriate areas to explore the issue of passive participation. However, the appropriateness of the City’s remedy, given the finding of private sector discrimination, was not at issue before the court. The question before the court was whether sufficient facts existed to determine if the private sector business practices under consideration constituted discrimination. For technical legal reasons,⁵³ the court did not examine whether a consequent public sector remedy, i.e., one involving a goal requirement on the City of Denver’s contracts, was “narrowly tailored” or otherwise supported by the City’s private sector findings of discrimination.

⁵¹ *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003).

⁵² *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

⁵³ Plaintiff had not preserved the issue on appeal. Therefore, it was no longer part of the case.



B. Narrow Tailoring

The question of whether a particular public sector remedy is narrowly tailored when it is based solely on business practices within the private sector was at issue in *City of Chicago*. *City of Chicago*, decided ten months after *Concrete Works II*, found that certain private sector business practices constituted discrimination against minorities in the Chicago market area. However, the District Court did not find the City of Chicago's MWBE subcontracting goal to be a remedy "narrowly tailored" to address the documented private sector discriminatory business practices that had been discovered within the City's market area. The court explicitly stated that certain discriminatory business practices documented by regression analyses constituted private sector discrimination. It is also notable that the documented discriminatory business practices reviewed by the court in the *City of Chicago* were similar to those reviewed in *Concrete Works II*. Notwithstanding the fact that discrimination in the City of Chicago's market area was documented, the court determined that the evidence was insufficient to support the City's race-based subcontracting goals. The court ordered an injunction to invalidate the City of Chicago's race-based program.

We note the following statements from that opinion:

Racial preferences are, by their nature, highly suspect, and they cannot be used to benefit one group that, by definition, is not either individually or collectively the present victim of discrimination. There may well also be (and the evidence suggests that there are) minorities and women who do not enter the industry because they perceive barriers to entry. If there is none, and their perception is in error, that false perception cannot be used to provide additional opportunities to MWBEs already in the market to the detriment of other firms who, again by definition, neither individually nor collectively are engaged in discriminatory practices.⁵⁴

Given these distortions of the market and these barriers, is the City's program narrowly tailored as a remedy? It is here that I believe the program fails. There is no "meaningful individualized review" of MWBEs, *Gratz v. Bollinger*, 539 U.S. 244, 156 L. Ed. 2d 257, 123 S.Ct. 2411, 2431 (2003) (Justice O'Connor concurring). Chicago's program is more expansive and more rigid than plans that have been sustained by the courts. It has no termination date, nor has it any means for determining a termination date. The 'graduation' revenue amount is very high, \$27,500,000, and very few have graduated. There is no net worth threshold. A third-generation Japanese-American from a wealthy family, with a graduate degree from MIT, qualifies (and an Iraqi immigrant does not). Waivers are rarely or never granted on construction contracts, but "regarding the availability of waivers is of particular importance... a 'rigid

⁵⁴ *City of Chicago*.



numerical quota’ particularly disserves the cause of narrow tailoring” *Adarand Constructors v. Slater*, *supra*, at 1177. The City’s program is “rigid numerical quota,” a quota not related to the number of available, willing and able firms but to concepts of how many of those firms there should be. Formalistic points did not survive strict scrutiny in *Gratz v. Bollinger*, *supra*, and formalistic percentages cannot survive scrutiny.⁵⁵

C. Capacity to Perform Contracts

The federal circuit appellate decision in *Rothe Development Corp. v. U.S. Department of Defense*⁵⁶ involved the issue of capacity. There were two earlier appeals prior to the appellate court’s holding in November 2008 that the Department of Defense’s (DOD) small disadvantaged business program was unconstitutional on its face.

One of the arguments proffered by *Rothe* on appeal was that the district court erred by relying on six disparity studies that failed to establish that the DOD played any role in the discriminatory exclusion of minority-owned contractors.

The court acknowledged that two of the studies relied upon by Congress attempted to deal with capacity. The New York City study limited prime contracts to those valued at \$1 million and under, and the firms in the Dallas study had a “demonstrated capacity to win large competitively bid contracts.” Thus, the court concluded that several studies that were relied upon demonstrated that the firms had the capacity to perform a contract. The court expressed an additional concern as to whether the firms could do *more than one contract at a time* and deduced that a regression analysis was recommended as the corrective for going forward.⁵⁷

Caution should also be exercised when determining which minority or gender group is appropriate for race-conscious or gender-conscious remedies. For a local government’s MWBE program to be narrowly tailored there must be a statistical finding that available minority subcontractors are underutilized. Where the underutilization of a minority group is not found to be statistically significant, the minority group should not be included in race-conscious remedies.⁵⁸

⁵⁵ *Id.*

⁵⁶ *Rothe Development Corp. v. U.S. Department of Defense*, 545 F.3d 1023 (Fed. Cir. 2008).

⁵⁷ *Id.*

⁵⁸ *H.B. Rowe Company v. Tippet*, 615 F.3d 233, Court of Appeals, Fourth Circuit (N.C.), July 22, 2010 (NO. 09-1050). The Rowe Court also ruled that statistical evidence of overutilization of women business enterprises that is not statistically significant is sufficient factual predicate for gender-based remedies.



D. Conclusion

As established in *City of Chicago*, private sector discrimination cannot be used as the factual basis for a government sponsored, race-based MWBE program without a nexus to the government's actions. Therefore, the discrimination that might be revealed in the regression analysis is not a sufficient factual predicate for a Miami-Dade County (County) race-based MWBE Program unless a nexus is established between the County and the private sector data. These economic indicators, albeit not a measure of passive discrimination, are illustrative of private sector discrimination and can support County-sponsored, race-neutral programs.

III. REGRESSION ANALYSIS METHODOLOGY

Regression analysis is the methodology employed to ascertain whether there are private sector economic indicators of discrimination in the County's market area that could impact the formation and development of MWBEs. The three regression analyses focus on the construction, professional services, architecture and engineering, and goods industries.⁵⁹ The data sets used for the regression analyses did not allow for an exact match of the industries used in the County's Disparity Study. Therefore, the four industries were selected to most closely mirror the industries used in County's Study.

As noted, three separate regression analyses are used. They are the Business Ownership Analysis, the Earnings Disparity Analysis, and the Business Loan Approval Analysis. All analyses takes into consideration race and gender-neutral factors, such as age, education, and creditworthiness in assessing whether the explanatory factors examined are disproportionately affecting minorities and females when compared to similarly situated Caucasian males.

IV. DATASETS ANALYZED

The 2007 to 2011 PUMS datasets produced by the United States Census Bureau were compiled and used to analyze business ownership and earnings disparities within the County's market area of Miami-Dade. The data for Miami-Dade County was identified using Public Use Microdata Areas (PUMA), a variable within the PUMS dataset that reports data for counties within states. The dataset includes information on personal profile, industry, work characteristics, and family structure. The PUMS data allowed for an analysis by an individual's race and gender.

The 2003 NSSBF was utilized to examine business loan approval rates in the Business Loan Approval Analysis. The NSSBF data set contains observations for business and

⁵⁹ For some regression analyses, the professional services and architecture and engineering industries are combined because there were too few data points.



owner characteristics, including the business owner's credit and resources and the business's credit and financial health. The NSSBF records the geographic location of the business by Census Division, instead of city, county, or state. While the NSSBF data is available by Census Division, the South Atlantic subdivision containing the County lacked sufficient data to perform an accurate regression analysis by minority status, gender, and industry. Therefore, the sampling region was expanded to the South Region which includes the South Atlantic, East South Central, and West South Central Census Divisions.

The 2003 NSSBF contains the most recent available data on access to credit for the South Atlantic subdivision. The data set allowed for an analysis of all minority groups combined by industry within the South Region.

V. REGRESSION MODELS DEFINED

A. Business Ownership Analysis

The Business Ownership Analysis examines the relationship between the probability of being a business owner and independent socio-economic variables. For the business ownership analysis, the dependent variable includes business owners of incorporated and non-incorporated firms. The business ownership variable utilizes two values. A value of "1" indicates that a person is a business owner, whereas a value of "0" indicates that a person is not a business owner. When the dependent variable is defined this way, it is called a binary variable.⁶⁰ In this case a logistic regression model is utilized to predict the probability of business ownership using independent socio-economic variables. Three logistic models are run to predict the probability of business ownership in each of the three industries examined in the County's Disparity Study. Categories of the independent variables analyzed include educational level, personal characteristics, and race/gender.

In the tables below a finding of disparity is denoted by an asterisk (*) when the independent variable is significant at or above the 95 percent level. A finding of disparity indicates that there is a non-random relationship between the probability of owning a business and the independent variable. Tables of regression results indicate the sign of each variable's coefficient from the regression output. If the coefficient sign is positive, it indicates that there is a positive relationship between the dependent variable and that independent variable. For example, having an advanced degree is positively related to the probability of being a business owner, holding all other variables constant. If the coefficient sign for the independent variable is negative, this implies an inverse relationship between the dependent variable and that independent variable. For instance, if an individual is a homeowner, he or she has a lower probability of owning a business, holding all other variables constant.

⁶⁰ In this case, the standard Ordinary Least Squares (OLS) Regression model cannot be employed and a Logistic model is utilized to predict the probability of business ownership.



For each of the three industries the logistic regression is used to identify the probability that an individual owns a business given his or her background including race, gender, and race and gender-neutral factors. The dependent variable in all regressions is a binary variable coded as “1” for individuals who are self-employed and “0” for individuals who are not self-employed.⁶¹ Table 7.01 presents the independent variables used for the Business Ownership Analysis.

Table 7.01: Independent Variables Used in the Business Ownership Analysis

Personal Characteristics	Educational Attainment	Race	Gender
Age	Bachelor's Degree	African American	Caucasian Female
Homeowner	Advanced Degree	Hispanic American	
Finances		Other Minority*	
Marital Status			

* Other Minority includes individuals who identified as Asian American, Native American, or reported belonging to two or more racial groups.

B. The Earnings Disparity Analysis

The Earnings Disparity Analysis examines the relationship between the annual self-employment income and independent socio-economic variables. “Wages” are defined as the individual’s total dollar income earned in the previous twelve months. Categories of independent socio-economic variables analyzed include educational level, citizenship status, personal characteristics, business characteristics, and race/gender.

All of the independent variables are regressed against wages in an Ordinary Least Squares (OLS) regression model. The OLS model estimates a linear relationship between the independent variables and the dependent variable. This multivariate regression model estimates a line similar to the standard $y = mx + b$ format but with additional independent variables. The mathematical purpose of a regression analysis is to estimate a best-fit line for the model and assess which findings are statistically significant.

In the table below a finding of disparity is denoted by an asterisk (*) when an independent variable is significant at or above the 95 percent level. A finding of disparity indicates that there is a non-random relationship between wages and the independent variable. Tables of regression results indicate the sign of each variable's coefficient from the regression output. If the coefficient sign is positive, it means there is a positive relationship between the dependent variable and that independent variable. For example, if age is positively related to wages, this implies that older business owners tend to have higher business earnings, holding all other variables constant. If the coefficient sign for

⁶¹ Note: The terms “business owner” and “self-employed” are used interchangeably throughout the chapter.



the independent variable is negative, this implies an inverse relationship between the dependent variable and that independent variable. For example, if owning a home is negatively related to wages, this implies that business owners who own their homes tend to have lower business earnings.

An OLS regression analysis is used to assess the presence of business earning disparities. OLS regressions have been conducted separately for each industry. Table 7.02 presents the independent variables used for the Earnings Disparity Analysis.⁶²

Table 7.02: Independent Variables Used for the Earnings Disparity Analysis

Personal Characteristics	Educational Attainment	Race	Gender
Age	Bachelor's Degree	African American	Caucasian Female
Business Type	Advanced Degree	Hispanic American	
Homeowner		Other Minority*	
Finances			
Marital Status			

* Other Minority includes individuals who identified as Asian American, Native American, or reported belonging to two or more racial groups.

C. The Business Loan Approval Analysis

The Business Loan Approval Analysis examines the relationship between the probability of obtaining a business loan and variables related to socio-economic factors and business characteristics. The model is a Binary Logistic model where the dependent variable is the reported probability of obtaining a business loan.

The NSSBF data was collected by the U.S. Federal Reserve. The NSSBF collects information on small businesses (fewer than 500 employees) in the United States, such as owner characteristics, firm size, use of financial services, and the income and balance sheets of the firm. The 2003 NSSBF dataset is the most recently released data set.

In the table below a finding of disparity is denoted by an asterisk (*) when the independent variable is significant at or above the 95 percent level. A finding of disparity indicates that there is a non-random relationship between obtaining a business loan and each independent variable. The tables containing the regression results also indicate the sign of each variable's coefficient from the regression output. If the coefficient sign is positive, it means there is a positive relationship between the independent and dependent

⁶² If an independent variable is a binary variable, it will be coded as "1" if the individual has that variable present and "0" if otherwise (i.e. for the Hispanic American variable, it is coded as "1" if the individual is Hispanic American and "0" if otherwise). If an independent variable is a continuous variable, a value will be used (i.e. one's age can be labeled as 35).



variables. For example, if having the variable for female business owner has a positive coefficient, then female business owners are more likely to be denied a business loan, holding all other variables constant. If the sign of the coefficient for the independent variable is negative, this implies an inverse relationship between the independent and dependent variables. For instance, if having a bachelor's or postgraduate degree has a negative coefficient, this implies an indirect relationship between having a bachelor's or postgraduate degree and being denied a business loan. Therefore, business owners with bachelor's or postgraduate degrees have a decreased probability of being denied a business loan (or a higher probability of obtaining a business loan).

A Binary Logistic regression is used to examine the factors that might explain loan approvals for the business owners. The dependent variable is a binary variable where "1" denotes sometimes approved/sometimes denied or always denied, "0" denotes always approved. The independent variables describe three sets of factors:

- Business owner's minority and gender group classification
- Business owner's credit and resources
- Business' credit and financial health

Table 7.03 presents the independent variables used for the Business Loan Approval Analysis.⁶³

Table 7.03: Independent Variables Used for Business Loan Approval Analysis

Owners Credit and Resources	Firm's Credit and Financial Health	Race	Gender
Bachelor's or Postgraduate Degree	Age of Business	Ethnic Minority	Caucasian Female
Use of Personal Credit Card for Business	Location		
	Credit Score		
	Organization Type		

⁶³ If an independent variable is a binary variable, it will be coded as "1" if the individual has that variable present and "0" if otherwise (i.e. for the Hispanic American variable, it is coded as "1" if the individual is Hispanic American and "0" if otherwise). If an independent variable is a continuous variable, a value will be used (i.e. one's age can be labeled as 35).



VI. FINDINGS

A. Business Ownership Analysis

The business ownership variable is defined by the number of self-employed individuals in each of the four industries.⁶⁴ The analysis considered incorporated and non-incorporated businesses. The data in this section comes from Miami-Dade County. The county was specified using PUMA, a variable within the PUMS dataset that can specify the different counties within states.⁶⁵ As noted in *Section IV*, because each PUMA is determined by the U.S. Census, the region analyzed in the regression analyses could be limited to Miami-Dade County.

Previous studies have shown that many non-discriminatory factors, such as education, age, and marital status, are associated with self-employment. In this analysis race and gender-neutral factors are combined with race and gender-specific factors in a Binary Logistic regression model to determine whether observed race or gender disparities are independent of the race and gender-neutral factors known to be associated with self-employment. It must be noted that many of these variables, such as having an advanced degree, while seeming to be race and gender-neutral, may in fact be correlated with race and gender. For example, if Caucasian females are less likely to have advanced degrees and the regression results show that individuals with advanced degrees are significantly more likely to own businesses, two disadvantages may confront them. First, they face a direct disadvantage as a group if they have statistically significant lower rates of business ownership. Second, they are indirectly disadvantaged as fewer of them have the advanced degrees which are significantly correlated to their chances of owning a business.



⁶⁴ Professional services and architecture and engineering industries are combined.

⁶⁵ The PUMS data were collected by the U.S. Census Bureau from a five percent sample of U.S. households. The observations were weighted to preserve the representative nature of the sample in relation to the population as a whole.

1. Logistic Model Results for Construction Business Ownership Probabilities

Table 7.04 presents the logistic regression results for the probability of owning a business in the construction industry based on the 12 variables analyzed in this model.

Table 7.04: Construction Industry Logistic Model

Business Ownership Model	Coefficient	Significance	Standard Error	z	z> P-value
Grouping Variable (a)	0.0027		0.0082	0.3300	0.741
Age	0.0425	*	0.0216	1.9700	0.049
Bachelor Degree (b)	0.3205		0.7098	0.4500	0.652
Advanced Degree	-0.3772		1.2790	-0.2900	0.768
Home Owner	-0.5187		0.5255	-0.9900	0.324
Interest and Dividends	0.0005	*	0.0002	2.8800	0.004
Monthly Mortgage or Rental Payment	0.0003		0.0003	1.0700	0.285
Married	0.5287		0.5069	1.0400	0.297
Caucasian Female	-1.4767		1.3644	-1.0800	0.279
African American	0.3199		0.7538	0.4200	0.671
Hispanic American	0.3232		0.7883	0.4100	0.682
Other Minority	0.2528		1.3037	0.1900	0.846
Constant	-3.3353	*	1.3421	-2.4900	0.013

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: z > |p-value| of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



The construction industry logistic regression results indicate the following:⁶⁶

- The probability of construction business ownership is positively associated with increased age; older individuals are significantly⁶⁷ more likely to be business owners in the construction industry than younger individuals.
- There is a significant positive association between the probability of business ownership in the construction industry and amount of interest and dividends; business owners have significantly more interest and dividends than non-business owners.
- Caucasian females have a lower probability of business ownership in the construction industry than similarly situated Caucasian males, but this finding was not statistically significant.

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⁶⁶ For the Business Ownership Analysis, the results are presented for age, education, race, and gender variables only.

⁶⁷ Throughout this chapter, significance refers to statistical significance.

2. Logistic Model Results for Goods and Services Business Ownership Probabilities

Table 7.05 presents the logistic regression results for the probability of owning a business in the goods and services industry using the 12 variables analyzed in this model.

Table 7.05: Goods and Services Logistic Model

Business Ownership Model	Coefficient	Significance	Standard Error	z	z> P-value
Grouping Variable (a)	0.0003		0.0005	0.6100	0.540
Age	0.0364	*	0.0070	5.2100	< .001
Bachelor Degree (b)	0.1972		0.2501	0.7900	0.430
Advanced Degree	0.3715		0.3290	1.1300	0.295
Home Owner	0.3097		0.2361	1.3100	0.190
Interest and Dividends	0.0000		0.0000	1.8400	0.066
Monthly Mortgage or Rental Payment	0.0002	*	0.0001	2.0300	0.043
Married	0.0510		0.2267	0.2200	0.822
Caucasian Female	-0.3125		0.2072	-1.5100	0.132
African American	-1.0084	*	0.3556	-2.8400	0.005
Hispanic American	-0.0706		0.2137	-0.3300	0.741
Other Minority	-0.1129		0.4752	-0.2400	0.812
Constant	-3.7221	*	0.4512	-8.2500	< .001

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: $z > |p\text{-value}|$ of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



The goods and services industry logistic regression results indicate the following:

- The probability of business ownership is positively associated with an increase in age; older individuals are significantly more likely to be business owners in the goods and services industry than younger individuals.
- There is a significant positive association between probability of business ownership in goods and services and the amount of monthly mortgage or rent for housing; business owners of goods and services firms have significantly higher monthly mortgages or rent than non-business owners.
- African Americans have a significantly lower probability of business ownership in the goods and services industry than similarly situated Caucasian males.
- Caucasian females, Hispanic Americans and Other Minority groups have a lower probability of business ownership in the goods and services industry than similarly situated Caucasian males, but these findings were not statistically significant.



3. Logistic Model Results for Professional Services Business Ownership Probabilities

Table 7.06 presents the logistic regression results for the probability of owning a business in the professional services industry using the twelve variables analyzed in this model.

Table 7.06: Professional Services Logistic Model

Business Ownership Model	Coefficient	Significance	Standard Error	z	z> P-value
Grouping Variable (a)	0.0007		0.0017	0.4300	0.669
Age	0.0502	*	0.0116	4.3200	< .001
Bachelor Degree (b)	-0.3748		0.4047	-0.9300	0.354
Advanced Degree	0.0471		0.3670	0.1300	0.898
Home Owner	-0.1244		0.3556	-0.3500	0.727
Interest and Dividends	0.0000		0.0000	-0.1200	0.902
Monthly Mortgage or Rental Payment	0.0003	*	0.0001	1.9800	0.048
Married	0.6588	*	0.3212	2.0500	0.040
Caucasian Female	-1.1614	*	0.3322	-3.5000	< .001
African American	-1.2522	*	0.6350	-1.9700	0.049
Hispanic American	0.0868		0.3321	0.2600	0.794
Other Minority	0.2253		0.5872	0.3800	0.701
Constant	-3.3928	*	0.7449	-4.5500	< .001

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: $z > |p\text{-value}|$ of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



The professional services industry logistic regression results indicate the following:

- The probability of business ownership is positively associated with increased age; older individuals are significantly more likely to be business owners in the professional services industry than younger individuals.
- There is a significant positive association between probability of business ownership in the professional services industry and the amount of monthly mortgage or rent for housing; business owners of professional services firms have significantly higher monthly mortgages or rent than non-business owners.
- The probability of business ownership is positively associated with marital status; individuals who are married are significantly more likely to be business owners in the professional services industry than individuals who are not married.
- Caucasian females have a significantly lower probability of business ownership in the professional services industry than Caucasian males.
- African Americans have a significantly lower probability of business ownership in the professional services industry than Caucasian males.

B. Business Earnings Analysis

The business earnings variable is identified by self-employment income⁶⁸ between the years 2007 and 2011 for the three industries: construction, goods and services, and professional services. The analysis considered incorporated and non-incorporated businesses.

Previous studies have shown that many non-discriminatory factors, such as education, age, and marital status, are associated with self-employment income. In this analysis race and gender-neutral factors are combined with race and gender groups in an OLS regression model to determine whether observed race or gender disparities were independent of the race and gender-neutral factors known to be associated with self-employment income.



⁶⁸ The terms “business earnings” and “self-employment income” are used interchangeably.

1. OLS Regression Results for Business Earnings in the Construction Industry

Table 7.07 depicts the results of the OLS regression for business earnings in the construction industry based on the 12 variables analyzed in this model.⁶⁹

Table 7.07: Construction Industry OLS Regression

Earnings Disparity Model	Coefficient	Significance	Standard Error	t	t> P-value
Grouping Variable (a)	-31.6538		56.8244	-0.5600	0.582
Age	-230.4043		186.9378	-1.2300	0.228
Incorporated Business	-16,151.6400	*	3,921.4230	-4.1200	0.000
Bachelor Degree (b)	1,100.8480		7,828.9690	0.1400	0.889
Advanced Degree	2,052.0560		5,969.4650	0.3400	0.734
Home Owner	-6,856.5630		4,422.9500	-1.5500	0.133
Interest and Dividends	-0.3757		1.1116	-0.3400	0.738
Married	856.4470		3,892.5900	0.2200	0.828
Caucasian Female	-1,397.6010		6,866.7070	-0.2000	0.840
African American	6,815.0100		7,751.3720	0.8800	0.387
Hispanic American	527.4829		5,685.5920	0.0900	0.927
Other Minority	-8,844.1670		5,888.7380	-1.5000	0.145
Constant	32,277.8400	*	11,699.2100	2.7600	0.010

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: z > |p-value| of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



⁶⁹ Monthly mortgage/rent was removed from analyses because it did not perform well in the model.

The OLS regression results for business earnings in the construction industry indicate the following:

- Business owners of construction firms that are incorporated have a higher probability of lower business earnings than non-incorporated business owners.
- Caucasian females have a higher probability of lower business earnings in the construction industry than Caucasian males, but this finding was not statistically significant.
- Other minorities have a higher probability of lower business earnings in the construction industry than Caucasian males, but this finding was not statistically significant.

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2. OLS Regression Results for Business Earnings in the Goods and Services Industry

Table 7.08 depicts the results of the OLS regression for business earnings in the goods and services industry based on the 13 variables analyzed in this model.

Table 7.08: Goods and Services OLS Regression

Earnings Disparity Model	Coefficient	Significance	Standard Error	t	t> P-value
Grouping Variable (a)	-9.4244		9.6606	-0.9800	0.331
Age	-100.6232		162.9654	-0.6200	0.538
Incorporated Business	19,793.5500	*	3,996.3770	-4.9500	< .001
Bachelor Degree (b)	11,482.7400		9,495.8220	1.2100	0.229
Advanced Degree	1,966.3580		4,790.4740	0.4100	0.682
Home Owner	4,566.1240		3,579.5340	1.2800	0.205
Interest and Dividends	-0.0923	*	0.0317	-2.9100	0.004
Monthly Mortgage Payment	6.5126		3.9886	1.6300	0.105
Married	10,959.3700		7,964.9150	-1.3800	0.171
Caucasian Female	-6,354.4290		5,312.3690	-1.2000	0.234
African American	7,061.1350		5,703.7610	1.2400	0.218
Hispanic American	-5,549.5530		6,181.5270	-0.9000	0.371
Other Minority	461.3832		6,043.9250	0.0800	0.939
Constant	24,252.8100		12,940.7200	1.8700	0.063

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: $z > |p\text{-value}|$ of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



The OLS regression results for business earnings in the goods and services industry indicate the following:

- Business owners of goods and services firms that are incorporated have a higher probability of lower business earnings than non-incorporated business owners.
- There is a significant negative association between business earnings of business owners of goods and services firms and the amount of interest and dividends; as business earnings increases, the amount of interest and dividends decreases.
- Caucasian females and Hispanic Americans have a higher probability of lower business earnings in the goods and services industry than Caucasian males, but these findings were not statistically significant.



3. OLS Regression Results for Business Earnings in the Professional Services Industry

Table 7.09 depicts the results of the OLS regression for business earnings in the professional services industry based on the 13 variables analyzed in this model.

Table 7.09: Professional Services OLS Regression

Earnings Disparity Model	Coefficient	Significance	Standard Error	t	t> P-value
Grouping Variable (a)	103.1049		84.7896	1.2200	0.228
Age	622.0647		630.0572	0.9900	0.327
Incorporated Business	-38,536.1900	*	12,796.6300	-3.0100	0.004
Bachelor Degree (b)	17,012.1300		17,611.0700	0.9700	0.338
Advanced Degree	9,295.7960		13,095.2400	0.7100	0.48
Home Owner	14,060.2900		11,523.2400	1.2200	0.227
Interest and Dividends	-0.1205		0.1517	-0.7900	0.43
Monthly Mortgage Payment	1.8260		3.1383	0.5800	0.563
Married	18,585.3000		12,495.0200	1.4900	0.142
Caucasian Female	-17,763.4300	*	8,693.3080	-2.0400	0.045
African American	90,818.2400		59,133.4500	1.5400	0.129
Hispanic American	9,178.3560		10,211.3300	0.9000	0.372
Other Minority	-7,527.0590		18,419.7400	-0.4100	0.684
Constant	-31,764.7400		45,553.8900	-0.7000	0.488

(a) the variable Grouping Variable is included in the model to adjust for including multiple members of the same household in the analysis.

(b) for the variables Bachelor's Degree and Advanced Degree, the comparison group is comprised of all individuals who were not awarded a bachelor's or advanced college degree (includes less than high school education, high school diploma, GED or alternative credential, some college, and associate degree).

Note: z > |p-value| of less than 0.05 denote findings of statistical significance.

* identifies statistically significant variables.



The OLS regression results for business earnings in the professional services industry indicate the following:

- Business owners of professional services firms that are incorporated have a higher probability of lower business earnings than non-incorporated business owners.
- Caucasian females have a significantly higher probability of lower business earnings in the professional services industry than Caucasian males.
- Other Minorities have a higher probability of lower business earnings in the professional services industry than Caucasian males, but this finding was not statistically significant.

C. Business Loan Approval Analysis

Access to business capital in the form of loans is measured by the Business Loan Approval Analysis. The probability of business loan approval variable is a score that reflects the reported probability of experiencing loan approval. The data in this section comes from the 2003 NSSBF data set. Previous studies have shown that many non-discriminatory factors such as education, experience of the business owner, and firm characteristics could lead to differences in a business owner's loan approval rate. In this analysis race and gender-neutral factors are combined with race and gender groups in a Binary Logistic regression model to determine whether observed race or gender disparities were independent of the race and gender-neutral factors known to be associated with business loan approval.

Access to business capital in the form of loans is measured by the probability of obtaining a business loan among the 4,240 business owners in four industries. It should be noted that the dataset does not contain sufficient information on all ethnic groups to allow for a separate examination of each group. Therefore, results are provided for all minority males and females combined and for Caucasian females, referred to as minority business enterprises (MBEs) and woman-owned business enterprises (WBEs), or collectively as MWBEs. The NSSBF records the geographic location of the firm by Census Division instead of city, county, or state. Due to insufficient data in the construction, goods and services, architecture and engineering, and other professional services industries, the sampling region was expanded to the South region defined by the Census. This region includes the South Atlantic, East South Central, and West South Central subdivisions.



The results of the Binary Logistic regression for each set of factors are presented in the tables below.

1. Binary Logistic Regression Results for Business Loan Approval in the Construction Industry

The Binary Logistic regression results for business loan approval in the construction industry based on the nine variables analyzed in this model are depicted in Table 7.10.

Table 7.10: Binary Logistic Model for the Business Loan Approval Analysis in the Construction Industry

Loan Denial Model	Coefficient	Significance	Standard Error	z	z> P-value
Business Owner's Minority Group					
Caucasian Female	.2671		.3186	.82	.411
Minority	.2198		.4112	.53	.593
Business Owner's Credit and Resources					
Bachelor's or Postgraduate Degree	-.1975		.2301	-0.86	.391
Use of Owner's Personal Credit Card for Business	.1531		.2168	.71	.480
Firm's Credit and Financial Health					
South Region	.0970		.2220	.44	.662
Firm Has D&B Credit Score of 50 or Higher	-.6565	*	.2299	-2.86	.004
Age of Firm	-.0081		.0094	-0.87	.384
Rural Area	-.0145		.2470	-.060	.953
C-Corporation	-.7608	*	.2669	-2.85	.004
Constant	.6853	*	.2860	2.40	.017

Note: z>|P-value| of less than 0.05 denote findings of statistical significance.



Statistically significant Binary Logistic regression results for the construction industry Business Loan Approval Analysis indicate the following:

a. Business Owner's Minority Group and Gender Classification

- Caucasian females have a lower probability of obtaining a business loan in the construction industry than Caucasian males, but this finding was not statistically significant.
- Minority groups have a lower probability of obtaining a business loan in the construction industry than Caucasian males, but this finding was not statistically significant.

b. Firm's Credit and Financial Health

- Firms with a Dun and Bradstreet (D&B) credit score of 50 or higher have a significantly higher probability of obtaining a business loan in the construction industry than firms with D&B credit scores of 49 or less.
- Firms established as a C-Corporation have a significantly higher probability of obtaining a business loan in the construction industry than firms not established as C-Corporations.



2. Binary Logistic Regression Results for Business Loan Approval in the Goods and Services Industry

The Binary Logistic regression results for business loan approval in the goods and services industry based on the nine variables analyzed in this model are depicted in Table 7.11.

Table 7.11: Binary Logistic Model for the Business Loan Approval Analysis in the Goods and Services Industry

Loan Denial Model	Coefficient	Significance	Standard Error	z	z> P-value
Business Owner's Minority Group					
Caucasian Female	.4812	*	.1269	3.79	< .001
Minority	.7306	*	.1588	4.60	< .001
Business Owner's Credit and Resources					
Bachelor's or Postgraduate Degree	-.1505		.0929	-1.62	.105
Use of Owner's Personal Credit Card for Business	.1823	*	.0999	1.96	.05
Firm's Credit and Financial Health					
South Region	.0693		.0999	.69	.488
Firm Has D&B Credit Score of 50 or Higher	-.0672		.0966	-.69	.487
Age of Firm	-.0190	*	.0039	-4.84	< .001
Rural Area	-.1414		.1112	-1.27	.204
C-Corporation	-.6481	*	.1086	-5.97	< .001
Constant	.6861	*	.1230	5.58	< .001

Note: z>|P-value| of less than 0.05 denote findings of statistical significance.



Statistically significant Binary Logistic regression results for the goods and services industry Business Loan Approval Analysis indicate the following:

a. Business Owner's Minority Group and Gender Classification

- Caucasian females have a lower probability of obtaining a business loan in the goods and services industry than Caucasian males.
- Minority groups have a lower probability of obtaining a business loan in the goods and services industry than Caucasian males.

b. Business Owner's Credit and Resources

- Business owners with a bachelor's or postgraduate degree have a higher probability of obtaining a business loan in the goods and services industry than business owners without at least a bachelor's degree; however, this finding was not statistically significant.
- Business owners who use their own personal credit card for business have a statistically lower probability of obtaining a business loan in the goods and services industry than business owners who do not use their own personal credit cards for business expenses.

c. Firm's Credit and Financial Health

- As the years of business operations increases, the probability of a firm obtaining a business loan in the goods and services industry significantly increases.
- Firms with a D&B credit score of 50 or higher have a significantly higher probability of obtaining a business loan in the goods and services industry than firms with D&B credit scores of 49 or less.
- Firms established as a C-Corporation have a significantly higher probability of obtaining a business loan in the goods and services industry than firms not established as C-Corporations.



3. Binary Logistic Regression Results for Business Loan Approval in the Other Professional Services Industry

The Binary Logistic regression results for business loan approval in the other professional services industry based on the 9 variables analyzed in this model are depicted in Table 7.12.

Table 7.12: Binary Logistic Model for the Business Loan Approval Analysis in the Other Professional Services Industry

Loan Denial Model	Coefficient	Significance	Standard Error	z	z> P-value
Business Owner's Minority Group					
Caucasian Female	.7676	*	.2777	2.76	.006
Minority	.7929	*	.3449	2.30	.021
Business Owner's Credit and Resources					
Bachelor's or Postgraduate Degree	-.2153		.2642	-.81	.415
Use of Owner's Personal Credit Card for Business	-.2328		.1909	-1.22	.221
Firm's Credit and Financial Health					
South Region	-.1195		.1997	-.60	.550
Firm Has D&B Credit Score of 50 or Higher	-.4181		.2227	-1.88	.060
Age of Firm	.0036		.0084	.43	.667
Rural Area	-.2565		.2466	-1.04	.298
C-Corporation	-.5684	*	.2399	-2.37	.018
Constant	1.18	*	.3641	3.23	.001

Note: z>|P-value| of less than 0.05 denote findings of statistical significance.



Statistically significant Binary Logistic regression results for the miscellaneous and other professional services industry Business Loan Approval Analysis indicate the following:

a. Business Owner's Minority Group and Gender Classification

- Caucasian females have a lower probability of obtaining a business loan in the other professional services industry than Caucasian males.
- Minority groups have a lower probability of obtaining a business loan in the other professional services industry than Caucasian males.

b. Firm's Credit and Financial Health

- Firms with a D&B credit score of 50 or higher have a higher probability of obtaining a business loan in the goods and services industry than firms with D&B credit scores of 49 or less, although this relationship was not statistically significant.
- Firms established as a C-Corporation have a significantly higher probability of obtaining a business loan in the other professional services industry than firms not established as C-Corporations.



4. Binary Logistic Regression Results for Business Loan Approval in the Other Professional Services Industry

The Binary Logistic regression results for business loan approval in the architecture and engineering services industry based on the 9 variables analyzed in this model are depicted in Table 7.13.

Table 7.13: Binary Logistic Model for the Business Loan Approval Analysis in the Architecture and Engineering Services Industry

Loan Denial Model	Coefficient	Significance	Standard Error	z	z> P-value
Business Owner's Minority Group					
Caucasian Female	.7079		.4072	1.74	.082
Minority	.0159		.3640	.04	.965
Business Owner's Credit and Resources					
Bachelor's or Postgraduate Degree	-.0704		.3550	-.20	.843
Use of Owner's Personal Credit Card for Business	.4483		.2596	1.73	.084
Firm's Credit and Financial Health					
South Region	-.4941		.2625	-1.88	.060
Firm Has D&B Credit Score of 50 or Higher	-.5231		.2932	-1.78	.074
Age of Firm	-.0145		.0135	-1.07	.284
Rural Area	.2019		.4420	.46	.648
C-Corporation	-1.3586	*	.3117	-4.46	< .001
Constant	1.3040	*	.4329	3.01	.003

Note: z>|P-value| of less than 0.05 denote findings of statistical significance.



Statistically significant Binary Logistic regression results for the architecture and engineering services industry Business Loan Approval Analysis indicate the following:

a. Business Owner's Minority Group and Gender Classification

- Caucasian females have a lower probability of obtaining a business loan in the architecture and engineering services industry than Caucasian males, but this finding was not statistically significant.
- Minority groups have a lower probability of obtaining a business loan in the architecture and engineering services industry than Caucasian males, but this finding was not statistically significant.

b. Firm's Credit and Financial Health

- Firms established as a C-Corporation have a significantly higher probability of obtaining a business loan in the architecture and engineering services industry than firms not established as C-Corporations.



VII. CONCLUSION

Three regression analyses were conducted to determine whether there were factors in the private sector which might help explain any statistical disparities between MWBE availability and utilization identified in the Disparity Study. The three analyses examined the following outcome variables: business ownership, business earnings, and business loan approval.

These analyses were performed for four industries: construction, goods and services, professional services, and architecture and engineering.⁷⁰ The regression analyses examined the effect of race and gender on the three outcome variables. The Business Ownership Analysis and the Earnings Disparity Analysis used data from the 2007 to 2011 PUMS datasets for Miami-Dade County, and compared business ownership rates and earnings for MWBEs to those of similarly situated Caucasian males. The Business Loan Approval Analysis used the 2003 NSSBF dataset and compared business loan approval rates for MWBEs to those of similarly situated Caucasian males.

A. Business Ownership Analysis Conclusions

The purpose of the Business Ownership Analysis was to examine the relationship between an individual's probability of owning a business in the construction, goods and services, and other professional service industries and race and gender. In this analysis, independent socio-economic variables (e.g., age, marital status, finances) are combined with race and gender groups to determine whether observed race or gender disparities were associated with business ownership in the construction, goods and services, and other professional service industries.

Controlling for race and gender-neutral factors, the Business Ownership Analysis results show that statistically significant disparities in the probability of owning a business exist for Caucasian females and African Americans when compared to similarly situated Caucasian males. African Americans experience the greatest disparity as they are significantly less likely to own a business in goods and services and professional services industries when compared to similarly situated Caucasian males. Caucasian females are significantly less likely to own a business in the professional services industry when compared to similarly situated Caucasian males.



⁷⁰ For the business ownership and business earnings regression analyses, other professional services and architecture and engineering were combined.

Table 7.14 depicts the Business Ownership Disparity regression results by race, gender, and industry.

Table 7.14: Statistically Significant Business Ownership Disparities

Race / Gender	Construction	Professional Services	Goods
Caucasian Female	No	Yes	No
African American	No	Yes	Yes
Hispanic American	No	No	No

B. Business Earnings Analysis Conclusions

The purpose of the Business Earnings Analysis was to examine the relationship between annual self-employment income and race and gender. In this analysis, independent socio-economic variables (e.g., age, marital status, finances) are combined with race and gender groups to determine whether observed race or gender disparities were associated with self-employment income.

Controlling for race and gender-neutral factors, the Business Earnings Analysis indicated statistically significant disparities in business earnings for only Caucasian females in the professional services industry when compared to similarly situated Caucasian males. Caucasian females have significantly lower business earnings in the professional services industry than Caucasian males.



Table 7.15 depicts the earnings disparity regression results by race, gender, and industry.

Table 7.15: Statistically Significant Business Earnings Disparities

Race / Gender	Construction	Professional Services	Goods
Caucasian Female	No	Yes	No
African American	No	No	No
Hispanic American	No	No	No
Other Minority	No	No	No

C. Business Loan Approval Analysis Conclusions

Controlling for race and gender-neutral factors, the Business Loan Approval Analysis reveals statistically significant disparities for MWBEs when compared to similarly situated Caucasian males. Caucasian females have a statistically significant disparity in obtaining a business loan in the goods and services and other professional services industries. Minority groups have a disparity in obtaining a business loan in the goods and services and other professional services industries.

The statistically significant disparity documented for MWBEs when compared to similarly situated Caucasian males, points to the presence of race and gender disparity as a factor in access to business capital. Access to business capital in the private sector constitutes a major factor in business development, continuity, and growth. The documented disparity in MWBE access to business capital may have adversely impacted the number of these businesses in the other professional services and goods and services industries available to perform on County contracts during the Study period.



Table 7.16 depicts the Business Loan Approval Analysis regression results by race, gender, and industry.

Table 7.16: Statistically Significant Business Loan Approval Disparities

Race / Gender	Construction	Architecture and Engineering Services	Other Professional Services	Goods
Caucasian Female	No	No	Yes	Yes
Minority	No	No	Yes	Yes

D. Regression Findings

The analyses of the three outcome variables document disparities that could adversely affect the formation and growth of minority and woman-owned business enterprises within the construction, other professional services, architecture and engineering, and goods and services industries. In the absence of a race and gender-neutral explanation for the disparities, the regression findings point to racial and gender discrimination that leads to depressed business ownership, business earnings, and business loan approval rates. Such discrimination creates economic conditions in the private sector that impede the efforts of minority and female business owners to create and grow businesses. An impact of these private sector conditions is manifested in lower minority and female business formation rates.

It is important to note there are limitations to the application of the regression findings. No matter how discriminatory the private sector may be found to be, the findings cannot be used as the factual basis for a government-sponsored, race-conscious MWBE or DBE program. Therefore, caution must be exercised in the interpretation and application of the regression findings. Nevertheless, the findings can be a formula for developing race- and gender-neutral programs to eliminate identified barriers to the formation and development of MWBEs.



CHAPTER 8: ANECDOTAL ANALYSIS

I. INTRODUCTION

This chapter presents anecdotal evidence gathered through in-depth, one-on-one interviews and testimonials from business community meetings. The anecdotal testimony was analyzed to supplement the statistical findings and disclose any societal or procurement practices that might affect minority and women business enterprises' (M/WBEs') access to contracts let by Miami Dade County (County).

The importance of anecdotal testimony in explaining discrimination was stated in the landmark case of *City of Richmond v. J.A. Croson Co.*⁷¹ (*Croson*). The United States Supreme Court, in its 1989 *Croson* decision, specified the use of anecdotal testimony as a means to determine whether remedial race-conscious relief may be justified in a particular market area. In *Croson*, the Court stated that "evidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proofs, lend support to a [local entity's] determination that broader remedial relief [be] justified."⁷²

Anecdotal testimony of individual discriminatory acts, when paired with statistical data, can document the routine practices affecting M/WBEs' access to contracting opportunities within a given market area. The statistical data can quantify the results of discriminatory practices, while anecdotal testimony provides the human context through which the numbers can be understood. Anecdotal testimony from business owners provides information on the kinds of barriers that exist within the market area, including the effect on the development of M/WBEs.

Several outreach strategies were employed to secure anecdotal testimonials. Prime contractors, subcontractors, and suppliers that received a County contract or sought work with the County were contacted to determine their willingness to participate in an interview. In conjunction with this outreach, potential interviewees were also identified from business community meetings. The business community meetings are presented in the table below.

⁷¹ *City of Richmond v. J.A. Croson Co.*, 488 U.S. at 509 (1989).

⁷² *Id.*



Table 01: Miami-Dade County - Business Community Meetings

DATE	TIME	LOCATION
Thursday, March 7, 2013	6:30 PM to 8:30 PM	North Dade Regional Library 2455 N.W. 183 Street, Miami Gardens, Florida
Friday, March 8, 2013	8:00 AM to 10:00 AM	South Dade Government Center 10710 S.W. 211 Street, Suite 203 Miami, Florida
Friday, March 8, 2013	11:00 AM to 1:00 PM	Caleb Center 5400 N.W. 22 Avenue 301 Miami, Florida
Friday, July 12, 2013	12:00 PM to 1:30 PM	NFL YET Center 7070 Northwest 22 nd Avenue Miami, Florida

**A. Anecdotal Evidence of Discrimination -
Active and Passive Participation**

Croson authorizes anecdotal inquiries along two lines. The first approach investigates active government discrimination or acts of exclusion committed by representatives of the governmental entity. The purpose of this examination is to determine whether the government committed acts that prevented M/WBE businesses from obtaining contracting opportunities.

The second line of inquiry examines the government's "passive" support of exclusionary practices that occur in the market area into which its funds are infused. "Passive" exclusion results from government officials knowingly using public monies to contract with companies that discriminate against M/WBEs, or failing to take positive steps to prevent discrimination by contractors who receive public funds.⁷³ Anecdotal evidence of passive discrimination mainly delves into the activities of subcontractors.

The Tenth Circuit Court of Appeals has cautioned that anecdotal evidence of discrimination is entitled to less evidentiary weight because the evidence concerns more private than government-sponsored activities.⁷⁴ Nonetheless, when paired with appropriate statistical data, anecdotal evidence of either active or passive forms of

⁷³ *Croson*, 488 U.S. at 491-93, 509.

⁷⁴ *Concrete Works of Colorado v. City and County of Denver*, 36 F.3d at 1530 (10th Cir. 1994): "while a fact finder should accord less weight to personal accounts of discrimination that reflect isolated incidents, anecdotal evidence of a municipality's institutional practices carry more weight due to the systemic impact that such institutional practices have on market conditions."



discrimination can support the imposition of a race or gender-conscious remedial program.⁷⁵

Anecdotal testimony in combination with statistical data can support a race or gender-conscious program given the *Croson* framework. As *Croson* points out, jurisdictions have at their disposal “a whole array of race-neutral devices to increase the accessibility of city contracting opportunities to small entrepreneurs of all races.”⁷⁶ Furthermore, the Court states, “anecdotal evidence can paint a finely detailed portrait of the practices and procedures that generally govern the award of public contracts in the relevant market area.” These narratives, according to *Croson*, can identify specific generic practices that can be implemented, improved, or eliminated in order to increase contracting opportunities for businesses owned by all citizens.

B. Anecdotal Methodology

Two methods were used to elicit anecdotal information. Individuals were identified from outreach efforts to prime contractors, subcontractors, suppliers, and trade and business organizations. Attendees at the business community meetings were contacted to determine their willingness to participate in an anecdotal interview. All of the interviewees were Florida business owners and provided construction, architecture and engineering, professional, or goods and other services.

A set of probes was used for the interviews to uniformly elicit information regarding the interviewee’s experience doing business with and within the County. The probes addressed all aspects of operating a business from formation to development.

II. INTERVIEWEE RESPONSE CATEGORIES

The patterns and practices evident in the interviewee accounts have been grouped into 17 categories. The categories are as follows:

- Racial and Gender Barriers
- Sexual and Racial Harassment
- Disparate Standards of Review
- Difficulty with the Contracting Community
- Presence of a Good Old Boys Network
- Impediments to the Bid Process

⁷⁵ *Croson*, 488 U.S. at 509.

⁷⁶ *Croson*, 488 U.S. at 509.



- Inadequate Lead Time to Prepare Bids
- Problems with Supplier Agreements
- Difficulty Meeting Prequalification Requirements
- Barriers to Financial Resources
- Criteria for Bonding
- Late Payments from the County
- Late Payments from Prime Contractors
- Implementation of the Community Small Business Enterprise Program
- Exemplary County Business Practices
- Contrasts between Public Sector and Private Sector Experiences
- CSBE and M/WBE Program Enhancements

A. Racial and Gender Barriers

A minority female owner of a professional services company reported that during the County's bid process African American consultants are treated differently than other contractors:

I have heard many stories from my good relationships with Hispanic Americans. I know that they get preferential treatment. The numbers will show that the Hispanics are getting 80 percent of the jobs in Miami Dade County. But they are not held to the same qualifications as black contractors. I know that certain things have been done so that they can win the projects during the bid process. I know of a Hispanic company bidding almost 30 percent more than the lowest person and still win the contract. There is something wrong when that person gets the job. They give them the job and they get every change order requested. It's not equal and balanced.

At the end of the day, it's ridiculous because the criteria are put in place for Black small businesses. The White boys get overlooked. There are certain criteria that we are held responsible for as Black small businesses that Hispanic and White contractors are not being



held accountable to, such as insurance and bonding. At the County we must have all of our stuff in order whereas the Hispanic and non-African-Americans are not subjected to the same strict requirements.

A minority male owner of a construction company reported that a comment was made to undermine his ability to perform competently while seeking work with the County:

There was a job we tried to get in the County, and I was not treated fairly. We were told that the job is going to be too much for us to do. I do not think that was an appropriate comment. They were insinuating that we couldn't do the work.

A minority male owner of a goods and other services company reported that language barriers has prevented him from receiving contracting opportunities from the County:

Most people are shocked when they meet me because my last name is [name withheld], and they are not aware that I am African-American. In a delivery that I made they were shocked when I walked in the building because they had mistaken me for someone Jewish or white. We deliver products, so I try to remove any racial stereotypes. Sometimes the language barrier creates discrimination because we don't speak their language, and the opportunities become that much less for us. Most of the people in the clerical departments don't speak our language; it's broken English. It's frustrating trying to communicate with them. As an African-American vendor, we try to always have someone on staff at least on a part time basis that speaks Spanish. But when I get somebody and there is a language barrier, it's a very short conversation and we're not given all of the information needed to be competitive.

A minority female owner of an architecture and engineering firm believes that the majority of the work in her field is awarded to Hispanic male-owned businesses:

It is hard to compete as a Hispanic woman-owned architect firm against male Latin firms. The Latin males are not the minority in Dade County. Most of the work goes to Latin males, and this is something that the study needs to really look into. They are getting most of the work here. I think that's something that needs to be carefully evaluated. The School Board of Dade County had a similar study, and the Hispanic males reached their goals. Hispanic males are the majority, not the minority.



A minority male owner of a construction company reported that minority contractors are given unfavorable options to obtain equipment for construction projects:

There are different purchase plans and discounts for materials for Black contractors compared to Cuban and White contractors. There are differences in terms of the rental versus lease to purchase options for equipment. Most Black companies can only get the rental option while the Cuban or White companies will get the lease purchase option which is less expensive and the company will eventually own the equipment. The Black company has to return the equipment or rent it for another job. This may not be a place I can stay much longer. With 23 percent of the population being African American and only one percent of them receiving contracts, this is not the place to live. We are one-quarter of the people walking around, and we get one percent of Dade County's contracts and that's what they call even or "Hey you got access." That's the term that the White contractors use in the Midwest, "Oh you have equal access." But access without receiving contracts based on the firms that are available means nothing. It's like you're free to starve in this country. That's what we are free to do.

This same business owner also reported that minority contractors are charged higher costs for supplies than majority-owned companies:

Let me give you a quick example. I bid a job in July 2011. I got the price for my concrete from my supplier which was \$125 per yard. Unbeknownst to the supplier, the general contractor said, "[interviewee name withheld], I'm going to work with you, and I'll receive a price also from that same supplier for the same amount of concrete." You would think the price would be the same for the product including delivery costs and conditions. My price was \$125 per cubic yard. His price was \$64 for a cubic yard. The difference in price was \$800,000 for that job. I have both quotes in writing.

A minority male owner of a goods and other services company reported that he is treated differently because of his race:

As soon as I walk in the door, I know that I probably will not receive any calls back or I'm not going to get the chance to see the main person. Sometimes when they see that I am Black, they don't let me get any further than the door. When I go to bid for a contract, I personally represent my company, and sometimes I hit that roadblock. I usually do not get to talk to the person that deals directly with the contracts once they see that I am Black. I keep trying and just leave them alone and come back the following year again.



A minority female owner of a professional services company reported that she was treated unfairly because of her gender:

There are some people that are threatened by me, and I chose not to network with them. I have been hounded because I am female and Black female at that. Hispanics definitely have a problem working with females in any position. I went through some crap because I was a female. I had to change roles and put my boyfriend as the owner. I put my boyfriend in a position to start working with the administrative offices. I did that to help the job flow a little smoother because I was getting the run around and crap from inspectors because I was a female. When my boyfriend was on the job site with the inspectors, everything was cool. But they gave me a hard time because I'm a woman. It was funny because they thought I was the department manager, but they didn't know I was actually the contractor. They did not want to talk with me, and they would ask, "Where is the contractor?" That's how they used to blow me off.

A minority female owner of an architecture and engineering firm reported that women are treated unfairly in her industry, and it is especially difficult for younger business owners:

There are managers that are a little bit chauvinistic. They don't like working with women, and they really can make our life much harder because they have a way of making our work much more difficult. We have to meet a much stricter standard because they don't like working with us. Younger women that own architectural companies who work with these big bureaucracies get taken advantage of especially because there is no protection. At this point there are no minority programs in effect. There used to be a department that really looked out for the interest of minority women-owned companies.

B. Harrassment

A minority male owner of a construction company believes that the harassment he experienced on work sites is based on his ethnicity:

On some construction projects we get a lot of harassment by prime contractors more than anyone else. They require us to come back for minor stuff that does not make any sense. The harassment is usually by the trade contractor on site. I think it is based on race, because most of the harassment is toward minority contractors.



A minority male owner of a construction company described in detail the harassment he endured as a subcontractor on a County project:

Here is the deal concerning harassment. I'm going to put this in very blunt terms. Basically, a white male with a high school education can destroy a Black PhD company, because the white superintendent directs the sequencing of the work. In my case, I was putting up a lot of masonry walls which are concrete work. They would not let me put in the walls before putting in the air conditioning, fire protection pipes, electrical wiring, etc. All these things are supposed to be placed after the installation of my walls. After those things were put in place they would tell me, "Okay, put in your walls. This meant I had to put cement block walls around all these pipes, air ducts and wires, which is extremely inefficient. I was building around things that were in my way. This type of task sequencing can destroy your efficiency. They would go back to the trailer and get the biggest laugh out of that.

This same business owner elaborated further:

They would say, "This guy will be out of business if he does a job with us again." A lot of the superintendents, high school graduates, have favorite subcontractors. They have their good old boy network. But they are told by the County that they have to use this Black contractor when they already have their buddy lined up. The superintendent will make us do the work out of sequence and take our requisition which indicates that we are 30 percent complete and only approve 20 percent of the money. That dips into our cash flow. His high school diploma beats our master's degree, so they pay us for 20 percent of the work. It got so bad on one job that the guy said I was 30 percent complete when I was on my last day of work there.

C. Disparate Standards of Review

A minority female owner of a construction company reported that her work product is routinely held to a higher standard of review:

We are always held to a higher standard of review. It's just normal to me. But what they meant for bad has truly worked out in our favor. At the end of the day we are still here. And if you check us out on any state or county records, there are no issues or complaints concerning our work. My ethnicity has absolutely affected our business especially when we first started. They didn't know whether or not we were drug dealers. I even had an inspector say, "Well, what else do you do? Well you know you got a lot of money floating here." It was a County inspector.



A minority female owner of an architecture and engineering company reported that her work was held to a higher standard because of her gender:

Our work is held to a higher standard because my company is small and women-owned. I know it's not a written thing, but there is a higher standard when they review or grade our work. Most of the small women-owned architectural companies that I know have the same problems. There was an inspection service project and several companies applied. During the selection process two women came out on top, myself and [company name withheld]. Because of inconsistencies that happened after the proposal submission, we were disqualified. The project was re-advertised, and neither of the women-owned business owners got the project. It was awarded to a Hispanic male-owned business.

D. Difficulty with the Contracting Community

A minority male owner of a professional services company explained why he has not been successful competing for contracts during the County's open bid process:

Every time they have a closed bid, we normally compete because the prices are not revealed before the bid closes. But when it is an open process, we don't waste our time because they already know who is going to get the job. The minority in Miami is actually the majority, which is Hispanics. And they take care of one another. Most of the County's department heads are led by a Hispanic and so there is no sensitivity in sharing the wealth with the rest of the community. It's very difficult to network with the County.

A minority male owner of a construction company explained why it has been difficult to break into the County contractor community:

I have learned that we, as a small business, must approach each of the County departments to let them know what we do and to give us an opportunity. It's like going out and knocking on a tree. But if they overlook the color of my skin from the product that I provide, a lot more of us would be successful. But I understand that people look out for their own kind. And that's where the challenge is, a system that doesn't see color. The decision makers should only see price, fairness, and opportunities for all, not just a few.



A minority female owner of a construction company believes that the County utilizes preferred contractors that obtain the majority of the work in his industry:

There are individuals within the County that prefer to work with their pet when a project comes out. If a large firm is looking for a subcontractor and they have to fill a goal, the County will make a recommendation. So again, those who are in position of authority recommend their own. I was once recommended, and that is not supposed to be the process. I don't think that's appropriate even though that was a benefit to us.

A minority male owner of a construction company reported that the same pool of contractors is receiving the majority of the work from the County:

A lot of these contractors have held those contracts for years. They don't like to change and give other people an opportunity to work with the County.

A minority female owner of a goods and other services company also believes that the same suppliers are receiving the majority of work from the County:

I see the same businesses getting the contracts time and time again. If they looked at who is getting the contracts and the number of contracts, you would see a pattern.

E. Difficulty with the Good Old Boy Network

A minority female owner of an architecture and engineering firm reported that the good old boy network is a barrier for small businesses in her industry:

It's a challenge trying to get work on the bigger projects because of the good old boy networking. I don't know how to successfully work around it.

A Caucasian female owner of a goods and other services company reported that the larger projects are awarded to the same companies:

The good old boy network is present in our industry, because the same companies are always awarded the large bids.



A minority male owner of a construction company also believes the good old boy network is prevalent in his industry:

The good old boy network is present in the construction industry. They are very organized, and they know everybody. They also keep a tight ship.

A Caucasian female owner of a construction company believes that some bids are structured in a manner where only certain contractors are qualified to bid:

I think all of the County departments, except their minority department has certain contractors that they prefer to work with. I think they include certain criteria in their bids to ensure they get certain contractors. For example you must have experience on five jobs and have to be the lead on the job for five years. Only so many contractors can qualify to bid. I think it's easy for them if the same contractors work on projects over and over again.

A Caucasian female owner of a professional services company believes the County prefers certain consultants that provide insurance services:

There is a good old boy network in terms of established relationships with partiality or favoritism. They have favorites among property casualty insurance professionals. They are protected, and we can beat them every which way from Sunday and still not win the contract.

A minority male owner of a goods and other services company believes that preferred vendors are utilized by certain County departments:

They need to change the procurement process pertaining to Miami-Dade County for fire, police, and corrections contracts. They spend a lot of money, and none of us are getting that business because the County continues to use the same vendors. They're not allowing any new sugar ships because they're protecting the old guard. These people protect the Anglos who have been doing the business for years. They don't allow anyone else to do it.

A Caucasian female owner of a construction company believes that political connections are used to obtain work from the County:

They use general contractors that have political connections. They are a part of the good old boy network. Their name is [business name withheld]. They have a lot of family relationships with the County. I don't think the decision is actually made at the



department level. I think a decision is made already above the department level.

A minority female owner of an architecture and engineering company believes that only large Caucasian and Hispanic male-owned companies are receiving the majority of work from the County in her field:

Locally, there are two types of companies that are getting the work. It's the large Anglo-Saxon companies or the Latin male companies. Those are the two that are getting most of the architecture work in the County.

A minority female owner of a construction company believes that certain projects are not advertised to facilitate preferred contractors:

Not only are the same contractors getting the work, but the Marlins Stadium project was not even competitively bid. There was no selection process; they just selected who they wanted.

This same business owner further elaborated:

First of all, they give certain contractors a heads up so that they can prepare themselves. They are getting little kickbacks. They will write the proposal in a manner so the contractor that the one that they want can actually qualify for it.

A minority male owner of a construction company believes that the County prefers to work with majority-owned contractors on large construction projects:

I always see the big projects go to the same companies. They are majority-owned companies, such as [business names withheld].

A minority male owner of a construction company offered the same opinion:

When you look around on large projects, you see the same big companies. I have not been able to get any work from those big companies. They probably use the same subcontractors that they are comfortable with.

A minority male owner of a professional services company also reported that the County prefers working with larger companies:

I believe there is a monopoly with the big corporations working on the County projects where small companies are excluded.



A minority male owner of a construction company described the difficulty he has experienced trying to penetrate the good old boy and other business networks in Miami Dade County:

I found that you have to build relationships, and the good old boy network is also a relationship. It is hard to penetrate or build relationships with people that lack trust in your work. If you're not a part of their network, then you can never penetrate to actually gain trust. I thought joining the Chamber of Commerce or participating in workshops or going to the pre-bid meetings would help. In the many years that I've been in business, it's still tough for me to penetrate these networks.

F. Difficulties Navigating the Bid Process

A minority male owner of a construction company reported on several pre-award practices that hinder small businesses from competing against larger firms:

Sometimes the County bundles small projects into one large contract which prevents smaller or minority contractors from getting work. Also some of the projects require specialized materials that you can only get from one supplier. This makes it a little tough to get a competitive price. The larger companies have a better relationship with the suppliers and they can get better numbers.

A Caucasian male owner of a construction company reported that he no longer bids on County projects because of past frustrations trying to navigate the bid process:

I have just gotten to the point where I don't care to bid to the County anymore. I do not feel like going through the aggravation. It's just too much. I don't want it anymore. Unless something changes in the way they operate regarding their bidding procedures, I'm not interested. I know other people that feel the same. As a matter of fact, I could give you a name and a telephone number of an air conditioning contractor. I spoke to him a week and a half ago. I asked him if he was still in the County's small business program, and he used a curse word, and said, "no." He is not a minority contractor. I guess they are trying to help out small businesses to a certain extent. But they don't live up to their agreements.



A Caucasian female owner of a professional services company described the County's online bid procedures as "confusing":

The online bid process is confusing. You are supposed to click a link for work that may be of interest. And then a box appears asking if you are registered and for your email address. If you are not registered, you click another link. And then you have to click another link to go to the upcoming bids page. But I don't always get right through. I'm not sure why. Only a couple of bids will pop up which I must then click on more links. There is not a direct link which pops up to the bids. Instead, there are multiple steps which are confusing.

A minority male owner of a goods and other services company reported that County should unbundle large contracts into more opportunities for small businesses:

The County packages bids that prevent small businesses from getting their foot in the door. Every summer they solicit for 10,000 T-shirts. They could break that up into 5000 or 3000 increments so that more small businesses can participate.

A minority female owner of an architecture and engineering firm explained why she believes the County's Equitable Distribution Program is administered unfairly:

The County has an Equitable Distribution Program. It's a program that is based on a rotation list. In my opinion the program is not working. Every time that a department needs an architect, and if they want a certain architect, that architect gets bumped up on the list. So, it's not a real or true rotation. On top of that, an established business from outside of the County, such as Broward or Orlando, can also be placed at the top of the list even though they have not had any contracts with the County. So, the program has dual problems. Everybody gets work except the local people.

This same business owner further elaborated:

The departments ask for experience over and beyond what the project requires that automatically disqualifies smaller minority companies. Let's say they are asking for 20,000 square feet of interior renovations, but when the RFP comes out, you need to have experience working on five projects valued at least \$200,000. So, the requirements eliminate smaller minority companies that don't have that much experience.



A minority female owner of a construction company reported that she has experienced difficulty remaining on the County's bidders list:

We have not had a problem getting on the County's bidders list but staying on the list has been an issue. Periodically, when I check the database, we are not even in the system. I noticed that I was not getting notices after someone mentioned a particular project that I didn't hear about. I then checked the database and noticed I was not listed. So, the problem is staying on their lists.

A minority male owner of a professional services company reported that oftentimes the proposals are unclear, and not all projects are advertised equally:

Sometimes the language in the proposals is unclear. I can't understand what they are actually talking about. When they write this stuff up, it's not easily understandable. Sometimes I have to go back and ask them what they mean. When we are trying to get our numbers together and don't understand certain terms, it can make all the difference in the world especially with public works and capital improvement projects. Also, when the County did the housing project at 27th Avenue and 54th Street, they did not do any advertising on that project. It was by word of mouth.

A minority male owner of a construction company believes that requiring specific brand name products is a barrier for minority firms:

Minorities are excluded from participating because of named brand requirements, since there is only one distributor for the product.

A minority female owner of goods and other services company reported that the barriers she encountered by County staff prevented her from securing a position on their rotation list:

I sent an email asking to be added to their rotation list for SBEs. I know they are supposed to have a rotation list for SBEs, but I received so much flack. They asked, "Why are you calling me? We don't do this." I said, "You do, and add me to your list so that I can participate in the program." This has happened to me by several County departments. I emailed and called to follow up, and they wouldn't even respond. I was offended. I tried to introduce myself. I don't know why there is so much frustration trying to do business with the County. It also happened at the school board but not to the extent as the County.



A minority male owner of a construction company reported that his firm was denied a contract even though he was the lowest bid:

A lot of times we give out our price, and you think that you've got the lowest price. Once a general told me I had the lowest price, and of course I waited for an award but I didn't get the work.

A minority male owner of a goods and other services company reported that although he was the lowest bidder, his award was reduced unfairly:

Last year on the [product name withheld] bid, I assumed I would lose because I submit every year for the contract. So, I told my staff we are going to do it almost at cost just to win the bid. It was a sealed bid, and when the bid was opened, I was the winner. But the vendor that had been doing it for years raised a concern. Eventually, they said I didn't win the whole bid and only won half the bid. I asked what changed, and they said we recalculated the numbers. So, we can't win for losing.

G. Inadequate Lead Time

A minority female owner of a professional services company explained why more time is needed to respond to proposals in her industry:

Usually we have 30 days to respond to a professional services solicitation. That is not enough lead time for a small business. Probably 60 days is more reasonable, because of the required criteria that we first have to figure out before preparing for the proposal.

A minority female owner of a professional services company reported that she is given as little as a week to respond to a proposal request:

We do not have enough time to respond. Most proposals are requested right away or within a week. We usually get no more than a week turn around to put a package together.

A minority female owner of an architecture and engineering company reported that a thirty day response time is insufficient to prepare a responsive proposal:

In general the timeframe we usually get is around 30 days to respond to a proposal request. This is a challenge for someone like me with a small business who wears different hats. Sometimes it becomes difficult to meet the deadlines. I've missed the response dates because I didn't have enough time to do all the legwork. So,



from that perspective it's challenging. They should modify the response time to at least 45 days.

A Caucasian female owner of a goods and other services company reported that she has received as little as 24 hours to respond to a quote for sixty-plus items:

There are times when a response to request for a quote needed to be sent back immediately. I might be notified the day before, and they want it back the very next day and that's unreasonable. I will get a request for a quote requesting a price for 68 different items, and we have to submit a proposal in less than 24 hours. I also received a quote for twenty-plus items from a County department. I received it late in the afternoon around three o'clock, and the bid had to be turned back in by 2 p.m. the very next day. I was not able to respond on time. When I'm asked to submit in a quote and have less than 24 hours to work on it, it is inadequate because of the research needed to get the current costs of the products.

A minority male owner of a construction company reported that certain prime contractors give him inadequate time to respond to a quote although they insist that he sign a form that he is unable to work if he does not respond:

Sometimes we get two or three days to respond. The general contractor will need a number, and if we are not able to give it to him, they will make us sign an unavailability form for them to turn in.

A Caucasian female owner of a construction company reported that she is not given sufficient notice to respond to bids for construction projects:

Sometimes we are given a very short notice to prepare our bid response. For example, to bid on construction work for the County I usually have five days to prepare a package. Depending on the magnitude of the project, especially if it involves civil mechanical work, we need at least two weeks to prepare resumes of our officers, hourly wage, etc. I have to drop everything and work only on the bid for several days.

A minority female owner of an architecture and engineering company reported that sufficient time is needed to prepare a winning response in her field:

The big difference is larger companies have more resources. They have more staff that can assist with preparing a response versus a smaller company that might only have one person. If we had more time, we could put together a better response. Typically to respond to



a Request for Proposal, we get a week and a half to prepare our proposal. For example, when we have a short time to respond to a Park Department project, it does not allow for an adequate response based on the experience that is needed to get the highest score.

A minority female owner of a construction company reported that she does not respond to bid solicitations that only provide a one week response time:

We will get a bid that is due on June 1st, and the invitation is received on May 25th. We can't get the plans and bid on a project over \$100,000 in that short turnaround. We have to do a walk through or attend a pre-bid meeting because we're coming in on the tail end. There is a lot about the project that we need to be aware of to submit a qualified bid. When I only have a week before the bid due date, I don't touch it with a ten-foot pole because that's a recipe to get hurt.

A minority male owner of a construction company also reported that he does not respond to bid solicitations that only allow one week:

Sometimes they post a bid today and it has to be in by next week. To prepare a proper bid for a construction job, we need at least two or three weeks' notice to submit a response. When we have less time, I do not bid. I just walked away from the bid because there wasn't enough time.

A minority male owner of an architecture and engineering company explained why he believes the County practice of disseminating proposal solicitations through certified mail is ineffective:

Miami-Dade Water and Sewer Department and Public Works send their solicitations by certified mail. Even though they send it by certified mail, by the time we get it the deadline to respond with the required information is within a couple days. If I am not in my office to receive the certified mail, it goes back to the post office. So, by the time I get it I may only have a couple days to respond. And I am already behind the eight ball. It's a waste of money.

A minority male owner of a professional services company reported that he does not receive notices from the County in sufficient time to prepare a response:

The problem with the County is that we are not notified timely when projects are coming up. Most of the time we have to respond that day or the next day and that doesn't give us a lot of time to put



together a bid. They do a lousy job in notifying us. Normally, we depend a lot by word of mouth. By the time we know about the bid it's already the last day or the day before the bid is due. They don't do a good job in notifying people that there is a bid. I have complained about not receiving bid notices in a timely manner.

A minority male owner of a construction company explained why it can be counterproductive to respond to a bid request that is due in a couple of days:

Sometimes it's a County department that will call late and give us two or three days to submit a bid. It can cost a small business if you rush to submit a response because you may overlook an issue that can affect your budget. And the County will not adjust the budget and say you should of have anticipated it.

A minority male owner of a construction company described the extensive bid requirements that must be met in order to be responsive within a two week period:

This bid came out on the fifteenth of March for the County. The bid conference was on March 21, and the response was due March 31, which allowed two weeks. Here's the kicker; I will read from the solicitation. The contractor will need the "experience, qualifications, capabilities, capacities, ability to obtain local, state, and federal approvals, experience with USDA housing, capabilities of obtaining bonds, insurance, financials, numbers of years of experience, current number of employees, primary markets, total number of units developed in last six years." I mean we have to put all this together in two weeks. And the requirements continue for another two pages. This was put out by Miami-Dade in RFQ [number withheld].

A minority male owner of a construction company explained why he did not respond to a County solicitation with inadequate lead time:

There was one solicitation with the Miami Dade Housing Authority that had very a short notice. We had to preview so many sites to prepare a respond that it didn't make sense to respond.



H. Problems with Supplier Agreements

A Caucasian female owner of a goods and other services company reported that it is difficult to get favorable terms based on the time limit of the County's contracts:

The majority of the vendors don't want to extend guaranteed pricing for as long as what is specified by the County as the contract period for the project. Ninety five percent of the suppliers do not want to extend their terms for as long as the contract period required by the County. Most of the vendors will only guarantee pricing from three to a maximum of six months.

A minority male owner of a construction company reported receiving a different quote than what was provided to his Caucasian male counterpart:

There was one particular time where we were going after a project and they gave us different numbers than the other person bidding for the same project. The other subcontractor received cheaper rates for the same materials. The other subcontractor was a White male who received a more favorable price.

A minority male owner of a construction company explained why he believes African Americans are treated unfairly by certain suppliers:

As African Americans, we are late to the party. This dance has been happening for over 100 years with these Caucasians companies developing their relationships with these suppliers. They are not going to let any African Americans come in and infringe upon those relationships.

A minority female owner of a construction company also reported that African Americans are treated differently by suppliers:

I have learned that there is a game being played from a long time ago. When African Americans seek a line of credit with these suppliers, they may give us a line of credit but not at the same terms they give to White-owned firms. We have had friends who are white get different prices from us. Black folk costs are always higher which means we pay more. And most of the Black people I know personally in construction do not even have a line of credit. And suppliers will work with a White-owned firm regarding their payment terms, but when Black folks are late it affects our ability to purchase more materials while we are still on that same job.



The same business owner reported that a supplier did not report the actual dollar value she spent in supplies to credit reporting agencies:

Some suppliers do not provide accurate numbers on how much we spend with them to Dunn & Bradstreet and those types of organizations. One year I spent over \$800,000 on the [project name withheld] job, and the supplier only reported that I had purchased \$1,000 in materials. Dunn & Bradstreet is joke, by the way. Dunn & Bradstreet under-reports what minorities spend because these suppliers will report about five times less than what we actually spent. These major suppliers are not reporting our stuff right, which is not a fair industry practice.

I. Difficulty Meeting Prequalification Requirements

A minority male owner of a construction company reported that he was not able to get prequalified because of the County's bonding requirements:

The prequalification requirements are lengthy. We filled out all that paperwork in hopes of getting a job with them. Even though we filled out all of the paperwork, we still were not prequalified because of the bonding requirements. Also, general contractors will require bonding, and if you don't have it, they won't even let you in their door.

A Caucasian female owner of a construction company reported that she does not bid on the County's construction projects because she was unable to meet the required work experience:

The County requires five years of similar construction experience for their construction contracts. So, if I bid a \$2 million job, they want me to have experience working on at least five jobs in the last five years for \$2 million dollar projects. And this is where I get kicked off the process. First of all there is not that much work out there, and we are general contractors.

This same business owner further elaborated:

We have had to walk away from work because the County automatically requires too much experience to bid. Not being able to get on the vendor lists has really impacted my business. I had to downsize. I used to have 20 employees, now I'm down to five.



A minority female owner of a construction company reported that the County's insurance requirements have prevented her from getting on the vendors list:

They wanted additional insurance before we were even awarded the job. So, I had to pay for something that cost \$3,000 and never get the job. If you don't provide that level of coverage up front, then you cannot get on their vendors list. It's those types of things that can hinder small companies who don't have the resources to pay extra for insurance to compete.

A minority female owner of an architecture and engineering firm reported that the work experience requirement has prevented her from competing on the County's contracts:

The prequalification requirements are very discriminatory because you must have performed similar projects in order to do the work. It used to be that anyone could apply. Now you must have completed five projects before you can apply.

A minority male owner of a construction company reported that the County's product certification requirements can be costly for small businesses:

In Dade County they had a project where you have to be certified for a particular product that they specified for installation. I'm in the construction installation business, and I install air-conditioning and refrigeration products. They required that we have a certification to service those particular products, meaning that you have to go through that company's certification process. Some of those certifications can cost a considerable amount of money. Keeping the certifications current every year can be a big expense for a small business like mine. Especially, since it is an expense that may not get us the project. I can carry these certifications and then don't get any projects. That's revenue lost.

A minority male owner of a construction company believes the prequalification process is designed to prevent minorities from meeting the bid requirements:

*The prequalification process is outrageous. Now, the County requires five years of experience for construction jobs. As a matter of fact, I had a RFQ qualification for developers that required the bidder to show the County that in the last five years you need three jobs of equivalent value in order to bid on this job. They might as well put up a sign that says, "No ni**ers allowed," because that is exactly what it means.*



This same business owner further reported that the bonding requirement is also a barrier for minority businesses:

Every single person in this town that is doing a job over \$200,000 must have a bond. The prequalification requirements won't allow you to bid a job even if you have the financial capability of doing the job and being bonded. So, they're screening us out before we get there. There should be no prequalification requirements on jobs below \$200,000. And if they want the assurance of a bond, have the contractor take five percent off the job to give to the bond company.

A minority male owner of a goods and other services company explained that the prequalification requirements act as barriers to his company working on County contracts:

The County's prequalification requirement of five years of experience and the number of completed contracts disqualified me. You can't get the experience if you never get the opportunity to work on the projects. This has affected us dramatically because it's been a struggle trying to survive in the business.

A minority female owner of an architecture and engineering firm reported that the County's prequalification requirements prevents small businesses from obtaining the needed experience to successfully compete for work:

One challenge is that the County requires consultants to have specific experience for different types of projects. It is a Catch-22 in my opinion. We can't get the experience if we are not allowed to get any work. The County sends out verifications requesting firms to submit their experience, and they meet certain criteria for the project. For example, erecting a parking garage may be part of the project, but you must have specific experience within the last five years or so. Not everybody has the specific experience, but we are still professionals. We are technically qualified, so I think that requirement is a hindrance on smaller firms that may not have the specific five-year experience. These requirements have limited some of the projects that we can go for.

A minority male owner of a construction company reported that the specialized qualifications for general construction work prevented him from bidding on County projects:

The process for researching electronic bid requests is confusing. They have categories for general electrical or general mechanical work. But when you get to the nitty-gritty, they require specialized



qualifications for “general” work. They require specialized structural, civil engineering, or mechanic licenses. So, when we search for generalized electrical or mechanical work, the actual application requires additional specialized requirements that rule us out. Don’t waste my time just tell me up front what is required.

A Caucasian male owner of an architecture and engineering company reported that the County’s prequalification requirements have prevented him from bidding on work:

The minimal requirements for architecture projects eliminate smaller firms, because they do not have the extensive experience required to work on certain projects.

J. Excessive or Problems with Certification Procedures

A minority female owner of a professional services company reported that the Small Business Program certification process is very time consuming and costly:

The lady was nice who took my certification paperwork. However, the process was really long, and they asked for a ton of paperwork. But what was upsetting is the amount of time lapsed to get approval which typically takes six to eight months. By the time you we got approved, within a short period of time we needed to do the whole process again for the renewal. So, I expended all this time and money to comply with the process, and then didn’t get anything out of it.

A Caucasian male owner of a goods and other services company also reported waiting months to get certified:

It took seven or eight months to get certified. I was told they were short-handed and they would finally get to it. When you’ve been in business as long as I, we learned to be patient.

A minority female owner of an architecture and engineering firm reported that the certification process can be frustrating for new business owners:

I think that the certification process is long and tedious. It is difficult for new companies that can get lost in the process. They don’t know where to go for answers then they get frustrated. On top of that, there is not a lot of work coming out to dedicate the time to complete the application.



A Caucasian male owner of an architecture and engineering company reported that it is time consuming to get on the County's bidders lists:

It is quite labor intensive to get on the County's bidders list. It took a lot of our staff time to prepare it. I believe there were two types of certification needed to get on the list, such as technical and prequalification certifications.

K. Barriers to Financial Resources

A minority female owner of a professional services company reported that she has not been able to secure financing for her small business:

We were not able to get financing from different organizations that are out there to help small businesses. There are a lot of obstacles, and banks are not lending to small business.

A minority female owner of a professional services company explained why she has not attempted to obtain financing:

I have not tried to get any financing. I've been scared because of not having enough business coming in to pay back the loan. I would definitely be in a much better position if I had financing, but I'm too afraid to go after it.

A Caucasian female owner of goods and other services company reported that she was able to obtain a loan but not for the amount requested:

The banks made it difficult to obtain financing, because we are a small business and they don't want to lend the amount of money that we need. We requested a loan for \$75,000 from the SBA, and it was dropped down to less than \$50,000. But they made things difficult because of the amount of paperwork that we had to constantly complete.

A Caucasian male owner of a construction company reported that he has been unable to secure a Small Business Administration loan:

I have been to the SBA as well as here and there for a business loan. The banks aren't really loaning money, or at least that's been my experience. Seeking a loan is an exercise in futility.



A minority female owner of a goods and other services company reported that she sought financial assistance to maintain working capital for her company to no avail:

Unable to obtain financing has been detrimental to our company. Our previous vendors were billing us on a 30-day basis, and we had 15 days after receipt of the bill to pay. So, essentially we had 45 days to make our payments to vendors. Our customers would pay us at least close to that, so we were able to continue to float the business and keep our working capital going. However, we were not able to find financing to help us with the change in our business, and we needed a line of credit. We explained the situation to the bank, and they took us through all the hoops. Not only did they not give us the money, they withdrew the line of credit that we had. What we needed was a bank that would work with us on maintaining our working capital loan.

A minority male owner of a construction company explained why the inability to obtain financing has greatly impacted his firm:

Since 2011, I tried very hard to get loans from different banks, and I was not successful. We applied at [bank names withheld]. At first I didn't hear anything, and then I kept on persisting and asking for a response. They finally told me that I was turned down for the loan. They wanted three years of business financials and the largest job I've completed. The reason they said I was denied was lack of credit. They didn't go any further. We were a business that had revenues in the range of \$500,000 a year to \$3 million in the past. We complained amongst ourselves. If the bank turns you down, what can you do? How do you complain to them? This affected my business greatly. It kept me from growing and being able to hire more people in the community. It happened at a time when we were waiting 60 to 90 days to get paid from prime contractors, so not being able to secure a loan from the banks hurts greatly. This is the time when a bank should step in and help.

A Caucasian female owner of a construction company reported that she was forced to eliminate her staff because of her inability to obtain financing:

I applied for financing with [financial institution names withheld] and was never able to secure any type of financing. I did not have the required collateral or a major credit history. I never passed the first interview because the prerequisites were so high. I stopped applying for credit and had to reduce my company just to myself. Basically, I had to let everybody go and I started all over. I do not think I was treated fairly because of the level of guarantees that I



was asked to produce was in contradiction with the fact that I needed assistance to operate my company. I had to show that my company was wealthy while in reality I was seeking financial assistance to overcome the crisis that I was going through.

A minority female owner of a construction company reported that she was denied financing even though she had a favorable credit history and minimal debt:

We have applied for loans, and the banks turned us down. We are a company that pays its bills, and we don't have a high debt. I own a lot of property, and I have a track record of being responsible personally as well in business. But for some strange reason the bank denied us. I don't know what to say other than to say it's downright racist. Had we received the financing to assist with working capital I'd probably have less grey hair. We probably would have done probably ten times the amount work that we have done if we received the assistance. That's plain and simple.

This same business owner further reported that African American businesses are treated differently from other minority businesses when seeking loans:

You can look at any list of companies doing business here in Miami, and there won't be many Black businesses. A relatively new non-Black business has probably done more business within the last year than a Black company that has been in business ten years. Hispanic businesses are getting access to loans and contracts. When we go to the banks, Hispanic people take care of Hispanics. So, if there is any money to be loaned, they will help them find a way. But when Black people come in for a loan, it's a total reverse. I even had [bank name withheld] tell me they could not find a reason to deny me. I'd never heard of this before in my life. They said that we will negotiate with you. Since you need \$50,000, we'll loan you \$25,000. I told them you're not helping me if you're not loaning me the amount of money I need. I'll just be just in another jam. I said no because I'd just end up getting in deeper trouble if I only borrow half of what I need.

A minority male owner of a professional services company reported that his positive credit score was insufficient evidence to persuade a bank to provide him assistance:

I approached the bank several times in regards to a loan to try and get additional projects. Even though my credit rating was above the 750 benchmark, I was still denied. I had an account at that bank since 1990 with an average deposit between \$15,000 and \$30,000 a month and they still said I did not qualify.



A minority male owner of a professional services company reported that he was not able to receive a small loan from the County's Microlending Program:

I have applied for microloans and wasn't successful. I went to the small or "mom and pop banks" through the County's Microlending Program. I believe they have a \$10,000 limit. The program is not fair because if you live down south or in District Three you get \$10,000, but if you live in District Two, most of those awards are only \$3,000.

A minority male owner of a goods and other services company reported that he was unable to obtain financing through the County's Microlending Program"

I have applied for the "Mom and Pop Grant" through the Microlending Program but didn't receive a response. It's a grant that the County Commissioner gives away every year. They can give you as much as \$10,000 for insurance, materials, etc., as long as it builds your business. They sent me a letter stating that they received my application but no information on whether I was granted the money.

A minority male owner of a construction company explained why he believes certain minority business owners have a more difficult time securing financing than other minorities:

The banking industry in Miami, Florida, really has a problem lending out to minorities. A favorable credit rating or credit score appears to have no bearing on whether they'll loan money to minorities. I couldn't receive any financing from any bank in the Miami-Dade County area when I first opened my business decades ago. I had to fly back to my home state to borrow \$17,000 for operating capital. I now have a 21-year history, and I'm still not able to borrow money in Miami. The Cuban population does a lot of deals with the County, and Black people are aware of it. The Cubans have outside picnics or "pig roast" where deals are made. There are suppliers that will give a 30 to 60 percent discount on materials to the subcontractor competing against us. Sometimes this information is not known to the general contractor or Miami-Dade County. But it leaves us wondering how certain minority subcontractors were able to bring down their price to a level that made that kind of sense. On top of that, there are general contractors who will negotiate and pay certain subcontractors every two weeks, and other subcontractors will get their first check after 75 to 90 days. Now you have to go out and find financing for the first 75 to 90 days, but the guy at the pig roast gets paid every two



weeks. A lot of the banks down here are managed by Cuban Americans and you cannot get past the red line that they put up.

L. Barriers to Bonding

A minority male owner of a professional services company explained that he could not afford to purchase the insurance required by the County:

I responded to an RFP where I spent over \$200 copying documents and 80 hours putting the proposal together. I lost because the out-of-state larger organization knew information that I didn't know and won the bid. The other thing was that they didn't even consider me because I didn't have the insurance. The County had these insurance requirements, and when I looked into the cost for the insurance that they were requiring, it would have cost me three grand out of pocket.

A minority male owner of a construction company reported that his lack of credit prevented him from meeting the bonding requirements:

The paperwork needed to get the bonding is cumbersome. My lack of credit made it very hard for me to get a bond.

A Caucasian male owner of a construction company reported that he is unable to obtain informal contracts because the County now requires bonding on projects valued under \$200,000:

The small business program was helpful because Dade County did not ask for bonding under \$200,000. But they changed that and then started asking for bonds for projects under \$200,000.

A minority female owner of a construction company described a situation where a bonding agent tried to force her to subcontract with another company as a requirement for bonding:

It's hard to work in the construction industry because they only want to give bonds to white or Hispanic contractors. We bid a plumbing job and our price was about \$600,000. A Hispanic company bid the same job for about \$300,000. But they were not qualified to do the work, and their bid was thrown out, and we ended up winning the job. The bonding company came to my office and said we had to do more in order to get the bond. Now, prior to this they told me we would be getting the bond after jumping through hoops. But once I won the job, they said we are going to give you the bond, but since your price is \$600,000 and the Hispanic



company was \$300,000 you have to give them a subcontract for \$300,000 and you still will make your money. The bonding company wanted to manage the job to make sure that “everyone” got paid. I was like, “I don’t need you to do that.” I’ll make sure everybody gets paid. That’s who we are, and that’s what we do. They told me that I had to subcontract with the Hispanic company. They were going to make their commission on my bond, plus the bond to the Hispanic company. I said, “No that’s not going to happen!” This man cursed me out that day.

A minority male owner of a professional services company reported that oftentimes subconsultants are required to produce a bond when the project is fully bonded by the prime consultant:

We have to get a bond when this stuff doesn’t require a bond. The general contractor will ask us to produce a bond, and it’s not even required because they took out a bond on the whole project. Now, we come in as a subcontractor, and they ask us to produce another bond. Once the general contractor gets bonded, then we should fall under his bond because the whole project is already bonded. That happens a lot. That is the way it is. They ask you for a bond when the project is already bonded. We are squeezed out because the bonding that they want us to produce is in excess of the work that we are required to do. But we couldn’t get the bond because it was too much money. Most people don’t have a bond that’s not beyond a million dollars. Very few people can bond a project for \$10, \$20 or even \$100 million. I don’t know of any African American in Miami-Dade County that can produce a \$50 million bond, not even a \$20 million bond for that matter. If they don’t break these projects up and make them into smaller packages, then we are left out because we can’t produce a bond.

A minority male owner of a construction company explained why he was unable to obtain bonding:

We tried to get funding for projects and bonding. We didn’t have enough revenue coming in to be able to make payments to our creditors. I applied to two banks that we were currently dealing with. But it was hard to see that the people getting the loans and work didn’t look like me. I don’t want to believe it’s due to racism, but it’s hard to believe that when most of the people getting the work don’t look like you. Not receiving financial assistance has affected my business greatly. I have been unable to pay bills because I can’t secure funds to buy materials or bid on projects that would help my



company grow. When you can't get financing, you can't grow and you can't do business.

M. Late Payments from the County

A minority male owner of a construction company reported that he is often given numerous reasons by the County as to why payment for his invoice is late:

I have had problems trying to receive payment or the processing of my invoice. After the first 30 days of work, I submit my invoice. Thirty days or more goes by and at 60 days I still have not received my check. That is when they tell me one of several reasons. They tell me my paperwork wasn't in order. Or, we want a different kind of insurance. Or, we don't have all the receipts for your material supplies. They will also say that we are not working as fast as we would like so you have to accelerate the job meaning more man power, less efficiency, and increased cost of the job. They will also complain about the quality of work. They will require us to redo a portion of the work before they pay us. There are many things they will use not to pay us.

A minority female owner of a professional services company reported that he waited up to 60 days for payment from the County to the detriment of her small business:

We have waited 45 to 60 days, and it has affected our business terribly. We want to try and stick with the County, but they keep doing the same foolishness.

A minority male owner of a goods and other services company reported that one of his colleagues was forced to close his business because of late payments from the County:

Historically, the County is late. Normally, their payments to SBE firms take 60 to 90 days. I've had invoices that ran 120 days late. One of my colleagues got a nice contract, and by the time they paid him he was out of business. He couldn't keep his doors open. He was African American and did not have a lot of accounts.

A minority female owner of an architecture and engineering firm reported that she is paid late by the Parks and Recreation Department:

The County takes a long time to pay even though they have a 30-day clause. It would be reasonable if we could get paid within 60 days, but the Parks and Recreation Department goes beyond that. At the County you can have an invoice that sits on somebody's desk, and then it goes to finance and get shuffled. Typically, we try to work it



out. Sometimes it becomes a challenge, and we go to the small business office and they can help. When they are late on payments, it just trickles down to our vendors who are paid late and sometimes I do not pay myself.

A Caucasian female owner of a goods and services company reported that the County's contracts include unnecessary administrative fees:

The County's contracts include unreasonable terms that impose numerous fees. They want set pricing and then they take a 2 percent user fee and another .25 percent for what I believe is some sort of accounting fee for their paperwork and stuff like that. Also, their payment terms supposed to be a net 30 for invoices, but we might get paid in 45 or 60 days. I'm still waiting for payment from an invoice from a couple of months ago.

A minority female owner of a construction company explained how late payments received from the County have affected her small business:

We worked on the [project name withheld] with the County, and the payment came in at 57 days after submission of our invoice. So, we received payment almost two months after we had submitted all of our paperwork. It's kind of a Catch-22 because we render the services and hope that within 30 days we get paid, because we had bills to pay to our suppliers within a 30-day cycle. If we are late with our supplier, then we start incurring late fees.

A Caucasian female owner of a construction company explained how late payments from the County impact her subcontractors:

The County's payments are usually more than 30 days late. When I submit a pay requisition to the County, it can take up to 60 days before I receive payment. I did a lot of work for the Miami Dade School Board, and I would get paid in two weeks. My colleagues also experienced the same problems with the County. I complained to the project manager, but I did not get a response. In today's economy it is critical to be paid timely because suppliers will not extend credit unless I pay them a big deposit which is very hard nowadays since we're running on limited funds. This affects my business because I am unable to disperse any more supplies to my subcontractors. Therefore, they cannot mobilize and finish the work. It also delays the project, and then the County complains and charges liquidated damages.



A minority male owner of a construction company also reported waiting beyond 30 days for payment from the County:

If you have a contract with the County, then you are supposed to be paid within 30 days. I found that when I submit my invoice for payment, I find that this person is gone or that person is not in and it just sits on someone's desk, and we are not paid until the following month.

A Caucasian male owner of a construction company reported that he waited as much as 120 days for payment from the County. He also described a situation where he believes he was denied payment for non-performance:

There is a certain program with Dade County that promises payment within two weeks, 14 days from time of invoice. But realistically it can take up to 120 days. I did a job for Miami-Dade County Parks and Recreation where they kicked me off the job for nonperformance and didn't pay me a nickel. I had daily progress photos of my work that was time and date stamped. They sent me a letter telling me that I wasn't performing. It was a nightmare that affected my bonding, credit, and working capital.

A minority male owner of a goods and other services company reported that it can take up to six months to receive payment from the County:

I have waited anywhere from 45 days to six months to receive payment from the County. On one contract we had with the County it took forever to get payment. Small businesses are supposed to be paid in 30 days, but it's usually around 60 days. We have pretty good credit and have been forced to use up our lines of credit while waiting for payments.

A minority male owner of a professional services company reported that some of his colleagues have waited six months for payment:

I have waited 90 days for payment, but I know people who waited six months. They will starve you.

A minority male owner of a construction company reported that it is typical to wait three months for payment from the County:

Late payments are very common with the County. For some reason it takes forever and a day for a contractor to get paid, and the payments are usually held up for two to three months. I could never get a reason why.



A minority female owner of a professional services company reported that she has waited up to 60 days for payment from the County:

I have experienced difficulty getting paid within a timely window. It usually takes as long as 45 to 60 days to receive payment.

N. Late Payments from Prime Contractors

A minority male owner of a construction company reported that she is oftentimes paid late by prime contractors:

I would say about 40 percent of our payments are received late from prime contractors. We complained to no avail. I do not believe the County cares.

A minority male owner of a construction firm reported that waiting 60 days for payment is common in his industry:

Sometimes it takes 60 days or even later than that to get payment from prime contractors. We have had to figure a way to compensate for it because it affects us a lot. It happens a lot in the construction industry.

A Caucasian female owner of a construction company reported that most of his subcontract payments are late on County projects:

Since 2006, probably 80 percent of our payments are late on our County projects. This is mainly with prime contractors. The primes didn't have the money because they were waiting on the County. The County is slow in paying, and sometimes the contractors do not have enough cash flow to pay their subcontractor. The late payments have dramatically impacted my business because I had to finance the project.

A minority female owner of a construction company reported that she has not been able to receive assistance from the County in regards to late payments from prime contractors:

I'm trying to get paid now, and the project is completely done and we are still owed money. The County's a joke. They will ask us to go to 50,000 meetings about our payments, and nothing ever gets resolved. They don't have the right people in place who have the courage or authority to make things happen. On one project the prime contractor actually paid the other subs and didn't pay us. They held back our money. But they paid the other subcontractor in a timely fashion.



O. Comments about the Community Small Business Enterprise Program

A minority female owner of a goods and other services company explained that the Community Small Business Enterprise Program is needed to ensure parity among all ethnic groups:

The CSBE Program is absolutely valuable especially since it ensures that the work is being distributed proportionately.

A minority male owner of an architecture and engineering company explained that the CSBE Program could be more valuable if contracts were set aside for certified SBEs:

The program is valuable because it gives us an opportunity to compete when there are goals established on the project. I think there should be some projects that are just for small certified firms. The program gives us that added edge or a level playing field. If there were projects just for small business, that would help. It would at least give us a vehicle to get opportunities to grow our businesses.

A minority male owner of a construction company believes that an M/WBE program would be more beneficial to minority firms than the CSBE Program:

I think they can do a better job with the CSBE Program. An M/WBE program should be reinstated. It was a lot more helpful.

A minority male owner of a construction company also believes an M/WBE program would be more beneficial for minority businesses:

The CSBE Program is valuable because it gives small firms the same advantage as big companies. Without the program the larger companies can offer a better cost because they have more equipment. So, it's a good program. An M/WBE program should be implemented because it would give minorities a first shot at opportunities.

A Caucasian female owner of a construction firm explained why an SBE and M/WBE program would be beneficial for small businesses:

The CSBE Program set aside work for small businesses so that they can compete with each other, and I think that is reasonable. This helps us because we're not competing with the bigger firms. An M/WBE program would help minorities. I think it would be positive for our community.



A minority male owner of a construction company believes there is a need for an M/WBE program but believes the minority definitions should be reexamined:

An MBE program would be valuable if it is implemented right. I don't believe every company that is listed as a minority company is actually a minority company. Mostly everyone knows that 75 percent of the companies that are listed as women are not women-owned companies. That's just a fact, and everyone knows that. And when you say minority, a Hispanic man in South Florida is not a minority based on the statistics. So, if you have a program that classifies Hispanics as minorities, it is not factual and it defeats the purpose.

A Caucasian male owner of a construction company explained why he believes a local M/WBE program should be reexamined:

My only problem with the minority program is that it is a federally mandated program with no local checks or balances. What I mean by that is this—it is supposed to be for minorities, but the federal government allows Hispanics to be considered a minority. Hell, nobody is going to argue with that. At this particular time in the United States they are a minority, and Blacks are a minority too. Nobody is going to argue with that either. But again, I was born here. And things have flip-flopped, and we have a predominant Hispanic population locally. They are not a minority in this locale, but they continue to enjoy a minority status. There is nothing wrong with giving minorities work. I don't have a problem with that. My problem is giving work to minorities that are not really a minority, when it hits my back pocket.

A minority male owner of a construction company explained why he believes M/WBE programs have not been beneficial for African American firms:

Miami-Dade County's program is beneficial for small businesses that are not black. They have the Community Small Business Enterprise Program, and black people only get one percent of the total work. It's garbage for black people. An M/WBE program would be valuable if it is broken down by race and gender. You can't have a woman-owned firm and link it with the black-owned firms because they will get all the work because white men gave their business to their wives. That's all that is. So, you can't have women, black, and Hispanic-owned firms all bundled together and called M/WBEs. It does no good for black people.



A minority male owner of a construction company believes that the CSBE Program has not been beneficial for African American contractors:

The CSBE Program in Miami Dade County is not valuable or helpful. I have never known anybody to get any benefit from it, at least not in the black community. Most of the projects that I see in black neighborhoods in the County do not have black contractors working on them. I think they should establish a M/WBE program because black contractors don't work in Hispanic neighborhoods. There is a government housing project called [name withheld]. A few years back they redid all the roofs, and I believe that was a front company. They had a lot of illegal immigrants working on that project.

A minority male owner of a goods and other services company explained why he believes the M/WBE program should be reinstated:

I think a M/WBE program should be implemented. It has not been implemented in a very long time. It would help the little guys. I don't think that minorities, especially in South Florida, are being treated fair. I think they're being treated more than unfair. The County or the state of Florida hasn't had a minority program in a very long time.

A minority female owner of a construction company explained why a M/WBE program is needed for African American contractors:

About 99 percent of our work is due to minority participation requirements. Almost every project we have worked on in twenty years has had a goal on it. The CSBE Program is ineffective for African American businesses because we are always at the bottom of the totem pole. A minority program gives us more of an opportunity to compete.

A minority male owner of a construction company reported that his firm would be given more opportunities to work on larger projects with a M/WBE program:

An M/WBE program will give us more chances to get bigger projects.



A Caucasian female owner of a construction company explained why she believes the CSBE Program is not beneficial for very small businesses:

The CSBE Program is not valuable because it is not implemented for the purpose for which it was developed. The CSBE Program was developed to provide opportunities for capable professionals that have small companies. The selection criteria for the program do not reflect this purpose. I can give you an example. I'm a woman so I belong to a small or disadvantaged category. I have a bachelor of science and a master's degree in engineering with 20 years of experience. But I was never awarded a contract. I was never given the possibility to be interviewed to really show what I could bring to a County project. I know that [contractor name withheld] is a big company, and I don't even know how it can still be a CSBE because they have million dollar projects. It's a big consulting company.

A minority male owner of a goods and other services company believes that a M/WBE program is needed to increase contracting opportunities for woman business owners:

The program gives an opportunity for people like us to get into the game. The big national companies have lots of resources, and they can manipulate the prices. The program can open up a little window for minority businesses or small businesses so they can get a piece of the pie. A M/WBE program is needed because women are not represented in the business community although they are a big percentage of the population. I think they also are good managers.

A minority female owner of an architecture and engineering firm reported that the M/WBE program should be reinstated with different criteria:

The M/WBE should be brought back. Unless there is a program, minority companies would not participate, but they should not count Hispanic males as minorities.

A Caucasian female owner of a professional services company explained why the CSBE Program is beneficial to the local community and to the County:

The CSBE Program is needed because SBEs are entrepreneurs, and they build their business in the community by hiring and training locally. Miami Dade can only benefit from this because it creates employment, train talent, and create tax revenue. These people live, work, and buy homes locally. So, the CSBE Program is a great way to invest in our community.



A Caucasian male owner of a goods and other services company reported that the County's CSBE Program has had a positive impact on his business:

Doing business with the County has been a very good opportunity for me. The CSBE Program keeps the tax dollars in the County and I think it's a great program.

A minority male owner of a construction company explained how the CSBE Program could be more valuable for small businesses:

I think the CSBE Program could be more valuable if more projects are available by breaking larger projects down to smaller contracts.

A Caucasian male owner of an architecture and engineering company believes the CSBE Program is needed to help small businesses compete on County contracts:

The CSBE Program is valuable because I think it is difficult for smaller firms to obtain work. I have been around for 20 years, and we still need help obtaining work from the County.

P. Exemplary Business Practices by the County

A minority female owner of an architecture and engineering company described the helpful assistance she received from a County project manager:

I think it has a new name but in the Office of Capital Improvements there was a lady named [staff name withheld] that managed the projects and is very helpful. She helped us with the required paperwork, payment requisitions, and things of that nature. She is very proactive, and if we have a question, she responds right away to try and assist us.

A Caucasian female owner of a goods and other services company reported that she was able to extend her one-year contract for another year because of the favorable terms her supplier offered:

We have an ongoing bid with the County, and the distributor is [company name withheld]. When it was time for the renewal, our terms had expired, and they extended the same pricing for an additional year. Since they agreed to extend the pricing for an additional year, we continued to provide the product line to the County for a second year.



A Caucasian female owner of a construction company described the assistance she received from several County project managers:

A couple project managers really helped me out a lot. They worked in the Miami Dade Transit and Parks and Recreation departments. When I submit my invoice for payment, they reviewed the documentation immediately and took it to the Finance Department. If additional documentation was needed, they requested a meeting at the job site to correct any issues to prevent any project delays. They really helped us out a lot.

A Caucasian female owner of a professional services company gave kudos to the Small Business Office:

Miami Dade County offers a series of educational courses once a quarter. It's a half-day session. We get invited for free. They are wonderful. They are also other technical programs that the County offers. They have a small micro-initiative that you have to get qualified to participate. I had to go to Miami Dade, and I spoke with a lady but sadly I do not remember her name. She helped me be compliant in a way that was advantageous in a manner that I would not have known. She did it of her own free spirit and helpful nature. It was with the Small Business Office.

A minority male owner of a goods and other services company also reported on the positive assistance he received from the Small Business Department:

Over the years I have had positive experience with the County. The Small Business Department has been very helpful over the years. They have encouraged us to apply for more business. I'd take my hat off for them.

A minority male owner of a goods and other services company reported that he has attended informational meetings at the County which he found helpful for his small business:

A lady sends us email notices to monthly meetings. They are very informative, and they have good topics. Sometimes they bring in people from other departments informing us of their upcoming contracts.



A minority male owner of a construction company also received helpful assistance from the Small Business Department:

[County staff name withheld] helps with the small business certification. She helped us get our certification.

A minority female owner of an architecture and engineering company reported that a staff member in the County's Equitable Division Program was helpful:

Ms. [County staff name withheld] is always great. She's with the EDP program. She may not always agree with us, but she always listens and offers suggestions.

A minority male owner of an architecture and engineering company believes the County's staff is easy to work with:

The County is probably one of the friendliest agencies to work with for small businesses in comparison to all the other municipalities that I've dealt with. The CSBE Program has been helpful in processing their paperwork.

Q. Contrast between Public Sector and Private Sector Experiences

A minority female owner of an architecture and engineering company reported that payments may be slower in the public sector, but it is guaranteed:

We've had good experiences; some that were challenging in the government sector. I have a lot of repeat clients in both the private and public sectors. Sometimes it just takes longer to get paid in the public sector, but I know I'm always going to get paid. In the private sector there is a chance that you won't get paid.

A Caucasian female owner of a goods and other services company reported why she prefers working in the private sector:

The majority of our business is through the private sector. It's much easier to deal with the private sector because there is no bidding. We are just a customer giving them a list of items that they want to purchase. If they feel our price is fair, they purchase it. I would say 95 percent of them pay on a timely basis.



A minority male owner of a construction company believes that the public sector provides more security:

I would say working for the County is probably a little bit better than working for the private sector. We have a little bit of protection working for the County.

A minority male owner of a construction company also reported that he has more confidence in the public sector because of payment assurance:

The public sector has much more security than when you work with the private sector because if you do your job you are going to get paid. Sometimes with the private sector you don't get that which can give you piece of mind.

A Caucasian male owner of a construction company reported that payments are timelier in the private sector:

I have good business coming in from the private sector. In the private sector the payments are on time. It is worse in the public sector. It usually takes at least 45 days.

A minority male owner of a goods and other services company prefers working in the public sector, although most of his work is from the private sector:

I think the public sector treats us nicer. They have more time for us. The private sector is more out-throat. But only about 20 percent of my business is from the public sector.

A minority female owner of a construction company reported that the public sector has been more beneficial for his firm than the private sector:

If you're going to spend your energy, spend it in the area at that is going to offer you the most opportunity. So, that's why we concentrated on getting work from the public sector. The only way we are going to get a good opportunity as an African American is in the public sector. All that I have to go through to get work in the public sector, I would have to go through 200 times more in the private sector.

A minority male owner of an architecture and engineering company reported that he prefers the public sector because the contract awards are based on the lowest bidder:

At least your money is guaranteed in the public sector. But you may not get paid in the private sector. Also, in the public sector the



contracts are based on the low bidder. But in the private sector the work is based on relationships. If you don't have the right connections, you will not get any work.

A minority male owner of a construction company explained why he exclusively works in the private sector:

Right now I'm 100 percent dependent on the private sector. In the private sector they are interested in whether we can do the work on time according to fair price. They don't ask me how many times I have done work in the last seven years. They just tell me, "Look, I have this project, can you do it?" I think that's the way it should be in the County also.

A Caucasian male owner of an architecture and engineering company reported that the bureaucracy makes it difficult to compete in the public sector:

It's a little easier to get work from the private sector versus the public because of bureaucracy. It's always been easier.

R. Recommendations to Increase DBE Participation on the County's Contracts

A minority male owner of a construction company recommends mobilization assistance for small businesses:

I think that it would help if they had something in place to help small businesses with mobilization costs. If they helped with mobilization costs, more contractors would bid on their projects.

A minority female owner of goods and other services company recommends that during the County's bid opening process the successful bidder is clearly identified:

The County's bid opening procedures are not clear. When the bids are opened, it is unclear as to who won the bid and at what price.

A minority male owner of a construction company recommends that the County reinstate its M/WBE participation goals:

They should bring back the set aside program for minorities. It was a lot more helpful to us than what they have today.



A minority female owner of an architecture and engineering company suggests breaking up larger projects into small contracts to create more prime contracting opportunities for SBEs:

It's important to recognize that there are smaller firms that have capabilities to work on larger project as well as the small ones. They should split the projects if possible, so that certain portions of the project can be completed by smaller companies.

A Caucasian female owner of a goods and other services company also recommends unbundling larger projects into additional contracting opportunities:

They should take portions of those large multimillion dollar bids and set aside a small portion for small businesses so that they can participate a little bit more frequently. They don't do this enough, and the large companies take away all the business. If I had access to the same type of pricing as the big boys, it would be another way that I could compete.

A minority male owner of a construction company suggests unbundling larger contracts into smaller projects according to construction trades:

Big projects should be divided into small projects for the different trade categories. They should be divided into the categories so everybody can get a piece of work. If they only let big projects, this won't allow smaller companies to get some work.

A Caucasian female owner of a construction company also recommends breaking up large projects:

I recommend breaking down smaller portions of work to create competitive bidding opportunities for everyone. Don't make them too large where the small contractors can't bid. The same general contractors with the same subcontractors are getting the design build work.

This same business owner also recommended that the County reconsider the prequalification requirements for its construction projects:

They should not ask for such stringent qualifications. Requiring five jobs be completed in the last five years at the same size eliminates about 75 percent of the workforce and again goes to the bigger contractors.



A minority male owner of a construction company suggests increased contracting opportunities for minority contractors:

My only recommendation is give us minorities more opportunities to prove what we can do. We can provide the same services as the big companies.

A minority female owner of a construction company recommends changes regarding the County's Miscellaneous Construction Contract's projects:

I had a great experience with the previous MCC projects. Its whole purpose was to facilitate minority contractors by walking them through the process and help them get experience. Initially, if you bid on multiple facets of the project and you were the lowest bidder on more than one facet, you were only allowed to accept one of the contracts. However, now with the revision of the MCC a contractor can be awarded multiple contracts. I think this narrows the field for minority contractors because you could have one contractor who could have five of the facets if they are the lowest bidder. In the past it allowed more opportunities for contractors opposed to one or two contractors being awarded the work.

A minority male owner of a construction company also recommends revisions to the County's prequalification requirements and unbundling of large contracts:

If a company is just pouring a concrete pad or putting up a chain link fence, this small scope should be unbundled and handled by a mechanical contractor rather than a general contractor. And the requirement of five years of experience defeats the purpose of their CSBE Program.

A minority male owner of an architecture and engineering company recommends unbundling routine services from specialized work:

I think they need to break down these large projects into pieces so that small businesses can compete. Routine engineering work could be separated from specialized areas of work.

A minority female owner of an architecture and engineering firm recommend shorter terms on multi-year contracts and unbundling of large projects:

I think that they should not award the long-term contracts for five-year terms. They should be shorter periods, like a year. They should also not bundle projects into massive projects. The projects should be in the \$2 million to \$5 million dollar range. Small minority



businesses could be able to work projects in that dollar range. We don't want to be delegated to just very small projects.

A minority male owner of a goods and other services company recommended unbundling janitorial contracts:

It would be helpful if the County separated 25,000 to 30,000 square feet janitorial contracts from the large projects. Miami Dade County has so much to offer when it comes to janitorial services, but they are not giving the small businesses a chance. Give us a chance to see what kind of work we can do.

A Caucasian male owner of an architecture and engineering company also recommended unbundling contracts:

I think there should be a way of separating some of the work. They should separate some of the task depending on the project. They could divide them up so smaller companies can participate.

A Caucasian female owner of a professional services company recommends more lead time to respond to proposal solicitations and debriefing sessions:

I would recommend that the County give a little bit extra time to answer their RFPs. It would also be helpful if the County gave feedback to unsuccessful bidders. I have been trying to win a bid and it's been three years.

A Caucasian female owner of a construction company recommends revisions to the prequalification requirements on construction projects:

I think the County should ease the prequalification requirements regarding the licensing requirements and the technical experience.

A minority female owner of an architecture and engineering company offered many suggestions to increase contracting opportunities for M/WBEs:

The best thing the County could do is reinstate minority set-asides. Most of the time minority companies are not able to participate unless there are set-asides. Typically, when there are goals in a project, the minority architects do not participate. So, for minority architects we only participate if there are set-asides. I think that it would be good to have "meet and greets" with the department managers. We need a M/WBE program. Without a program, I cannot repeat it enough, we do not participate.



A minority male owner of a construction company recommends the County advertise its informal construction projects:

They should advertise more small construction jobs for people like me that cannot get the big jobs. We don't have the resources and money to do it. They have a lot of small jobs that we can do.

A minority male owner of an architecture and engineering firm recommend uniformity in the bidding requirements for each of the County departments:

I would suggest that all departments streamline the bidding documents. Each department does it different. For example, one of the reasons why we were nonresponsive on a water and sewer project was because their bid form was different from the other departments. If the process was streamlined, that mistake wouldn't happen. Additionally, some departments will charge \$50 for plans while other departments will charge \$25. And some departments will just give us the disk for free. Certain departments do not respond to us as far as the outcome of the project. As a common courtesy, we should be able to get information regarding the project. For example, I bid a on a project in January and by March I still didn't know what was going on with it. That's ridiculous.

A minority male owner of a professional services company recommends diversifying the pool of contractors that work on the County's professional services contracts:

They need to stop using the same group of contractors on their projects. When you have competition, they will have a better outcome. When you don't have any competition, you have the same firms monopolizing the contracts.

A minority female owner of a construction company recommended a checklist detailing the required documents required for a responsive bid:

Sometimes it's hard for people, especially small contractors, to understand all of the paperwork that's involved in submitting a bid. Maybe if they provided a checklist of things that are required in our submittal, it would help smaller contractors who are not as diligent in reading the criteria. I'm used to reading a lot and understanding what is expected of me. But in my industry when it comes to paperwork, a lot of people don't always do that. It would be a little easier if they had a checklist for contractors to make sure that all the appropriate documents are submitted.



A minority male owner of professional services company recommends that the County disseminate upcoming projects three months in advance to give business owners sufficient time to prepare a response:

The County should put out a three month notice for upcoming proposals describing the requirements so people have time to prepare and recruiting the adequate personnel to comply.

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CHAPTER 9: PRIME CONTRACTOR DISPARITY ANALYSIS

I. INTRODUCTION

The objective of this chapter is to determine whether the portion of prime contracts awarded to Minority and Woman-owned Business Enterprises (M/WBE) was at parity with each ethnic and gender groups' availability. A test of statistical significance was applied to the group that had a disparity between its utilization and availability. Under a fair and equitable system of awarding contracts, the proportion of contract dollars awarded to M/WBEs should be relatively close to the corresponding proportion of available M/WBEs in the relevant market area.⁷⁷ If the ratio of utilized M/WBE prime contractors to available M/WBE prime contractors is less than one, a statistical test is conducted to calculate the probability of observing the empirical disparity ratio or any event which is less probable. This analysis assumes a fair and equitable system.⁷⁸ *Croson* states that an inference of discrimination can be made *prima facie* if the disparity is statistically significant. Under the *Croson* model, Non-Minority Male Business Enterprises are not subjected to a statistical test.

The first step in conducting the statistical test is to calculate the contract value that each ethnic and gender group is expected to receive. This value is based on each group's availability in the market area, and shall be referred to as the **expected contract amount**. The next step computes the difference between each ethnic and gender group's expected contract amount and the **actual contract amount** received by each group. Then, the **disparity ratio** is computed by dividing the actual contract amount by the expected contract amount.

⁷⁷ Availability is defined as the number of ready, willing, and able firms. The methodology for determining willing and able firms is detailed in Chapter 5.

⁷⁸ When conducting statistical tests, a confidence level must be established as a gauge for the level of certainty that an observed occurrence is not due to chance. It is important to note that a 100 percent confidence level or a level of absolute certainty can never be obtained in statistics. A 95 percent confidence level is considered by the courts to be an acceptable level in determining whether an inference of discrimination can be made. Thus, the data analyzed here was done within the 95 percent confidence level.



A disparity ratio of less than 0.8 indicates a relevant degree of disparity. To test the significance of a disparity ratio, a P-value must be calculated.⁷⁹ All disparity findings less than one are subject to analysis, which tests for statistical significance. The three methods employed to calculate statistical significance include a parametric analysis,⁸⁰ a non-parametric analysis,⁸¹ and a simulation analysis.

A parametric analysis is most commonly used when the number of contracts is sufficiently large and the variation of the contract dollar amounts is not too large. When the variation in contract dollar amounts is large, a disparity may not be detectable using a parametric analysis. Therefore, a non-parametric analysis would be employed to analyze the contracts ranked by dollar amount. Both parametric and non-parametric analyses are effective due to the central limit theorem, which is strongest when the number of contracts is large and the data are not skewed. When there are too few contracts or the contract dollar data are skewed,⁸² a simulation analysis is employed. The utility of the simulation analysis is also dependent on the severity of the disparity when there are too few contracts. The simulation analysis utilizes randomization to simulate a distribution for the contracts.⁸³ By conducting multiple trials in the simulation, the empirical data can be used to test the distribution of contract awards for significance.

For parametric and non-parametric analyses, the P-value takes into account the number of contracts, amount of contract dollars, and variation in contract dollars. If the difference between the actual and expected number of contracts and total contract dollars has a P-value equal to or less than 0.05, the difference is statistically significant.⁸⁴ In the simulation analysis, the P-value takes into account a combination of the distribution formulated from the empirical data and the contract dollar amounts or contract rank. If the actual contract dollar amount, or actual contract rank, falls below the fifth percentile of the distribution, it denotes a P-value less than 0.05, which is statistically significant.

The statistical model employs all three methods simultaneously to each industry. Findings from one of the three methods are reported. If the P-value from any one of the three methods is less than 0.05, the finding is reported in the disparity tables as statistically significant. If the P-value is greater than 0.05, the finding is reported as not statistically significant.

⁷⁹ P-value is a measure of statistical significance.

⁸⁰ Parametric analysis is a statistical examination based on the actual values of the variable. In this case, the parametric analysis consists of the actual dollar values of the contracts.

⁸¹ Non-parametric analysis is a method to make data more suitable for statistical testing by allowing one variable to be replaced with a new variable that maintains the essential characteristics of the original one. In this case, the contracts are ranked from the smallest to the largest. The dollar value of each contract is replaced with its rank order number.

⁸² Note: a relatively small availability population size decreases the reliability of the statistical results; therefore any availability percentage under one percent cannot be labeled as statistically significant.

⁸³ The simulation analysis can be conducted using contract dollar amounts or contract rankings.

⁸⁴ A statistical test is not performed for Non-Minority Males or when the ratio of utilized to available is greater than one for M/WBES.



A. Disparity Analysis

A prime contract disparity analysis was performed on construction, architecture and engineering, professional services, and goods and other services contracts awarded from January 1, 2007 to December 31, 2011. The analysis presented in this chapter is for the five-year study period. A breakdown by fiscal year is presented in the appendix.

As demonstrated in *Chapter 6: Prime and Subcontractor Availability Analysis*, the majority of Miami-Dade County's contracts were under \$100,000. During the study period, 70.22 percent of all contracts were under \$50,000, and 78.53 percent were under \$100,000. Construction prime contracts valued at less than \$100,000 constituted 76.18 percent of all construction prime contracts. Architecture and engineering prime contracts valued at less than \$100,000 constituted 70.95 percent of all architecture and engineering prime contracts. Professional services prime contracts valued at less than \$100,000 constituted 89.68 percent of all professional services prime contracts. Goods and other services prime contracts valued at less than \$50,000 constituted 77.44 percent of all goods and other services prime contracts.

The threshold levels for the disparity analysis were set to ensure that within the pool of willing businesses there was documented capacity to perform the formal contracts analyzed. The formal threshold for the four industries analyzed was limited to the \$250,000 level. The \$250,000 threshold was designated because at this level there was a demonstrated capacity within the pool of M/WBEs willing to perform Miami-Dade County's contracts.⁸⁵ The informal contract analysis was performed at the threshold stipulated in Miami-Dade County's procurement policy.

The outcomes of the statistical analyses are presented in the "P-Value" column of the tables. There are ethnic groups where the statistical test cannot be performed because of too few available firms. A description of the statistical outcomes in the disparity tables are presented below in Table 9.01.

Table 9.01: Statistical Outcome Descriptions

P-Value Outcome	Description of P-Value Outcome
< .05 *	The underutilization is statistically significant
not significant	The analysis is not statistically significant
----	There are too few available firms to test statistical significance
**	The statistical test is not performed for the overutilization of M/WBEs or the underutilization of Non-Minority Males
< .05 †	The overutilization is statistically significant

⁸⁵ See *Chapter 6: Prime and Subcontractor Availability Analysis—Section III* for a discussion of M/WBE capacity.



B. Disparity Analysis: All Industries Prime Contracts on all Contracts

1. All Industries Prime Contracts on All Contracts

The disparity analysis of all industries prime contracts on all contracts is described below and depicted in Table 9.02 and Chart 9.01.

African Americans represent 15.03 percent of the available businesses and received 2.12 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Asian Americans represent 1.91 percent of the available businesses and received 0.35 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Hispanic Americans represent 57.91 percent of the available businesses and received 39.18 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Native Americans represent 0.03 percent of the available businesses and received none of the dollars spent in all industries on prime contracts. While this group was underutilized, there were too few available firms to determine statistical significance.

Minority Business Enterprises represent 74.88 percent of the available businesses and received 41.65 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Women Business Enterprises represent 5.56 percent of the available businesses and received 1.28 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 80.44 percent of available businesses and received 42.93 percent of the dollars spent in all industries on prime contracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 19.56 percent of the available businesses and received 57.07 percent of the dollars spent in all industries on prime contracts. This overutilization is statistically significant.



**Table 9.02: Disparity Analysis: All Industries Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$39,110,187	2.12%	15.03%	\$277,085,689	-\$237,975,503	0.14	< .05 *
Asian Americans	\$6,472,673	0.35%	1.91%	\$35,185,484	-\$28,712,812	0.18	< .05 *
Hispanic Americans	\$722,251,110	39.18%	57.91%	\$1,067,502,462	-\$345,251,353	0.68	< .05 *
Native Americans	\$0	0.00%	0.03%	\$628,312	-\$628,312	0.00	----
Caucasian Females	\$23,627,450	1.28%	5.56%	\$102,414,892	-\$78,787,442	0.23	< .05 *
Non-Minority Males	\$1,052,006,635	57.07%	19.56%	\$360,651,215	\$691,355,421	2.92	< .05 †
TOTAL	\$1,843,468,055	100.00%	100.00%	\$1,843,468,055			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$4,905,311	0.27%	4.09%	\$75,397,466	-\$70,492,155	0.07	< .05 *
African American Males	\$34,204,875	1.86%	10.94%	\$201,688,223	-\$167,483,347	0.17	< .05 *
Asian American Females	\$2,763,439	0.15%	0.58%	\$10,681,308	-\$7,917,869	0.26	----
Asian American Males	\$3,709,234	0.20%	1.33%	\$24,504,177	-\$20,794,943	0.15	< .05 *
Hispanic American Females	\$79,203,692	4.30%	15.24%	\$280,855,563	-\$201,651,871	0.28	< .05 *
Hispanic American Males	\$643,047,418	34.88%	42.67%	\$786,646,900	-\$143,599,482	0.82	not significant
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.03%	\$628,312	-\$628,312	0.00	----
Caucasian Females	\$23,627,450	1.28%	5.56%	\$102,414,892	-\$78,787,442	0.23	< .05 *
Non-Minority Males	\$1,052,006,635	57.07%	19.56%	\$360,651,215	\$691,355,421	2.92	< .05 †
TOTAL	\$1,843,468,055	100.00%	100.00%	\$1,843,468,055			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$86,872,442	4.71%	19.90%	\$366,934,337	-\$280,061,895	0.24	< .05 *
Minority Males	\$680,961,527	36.94%	54.98%	\$1,013,467,612	-\$332,506,084	0.67	< .05 *
Caucasian Females	\$23,627,450	1.28%	5.56%	\$102,414,892	-\$78,787,442	0.23	< .05 *
Non-Minority Males	\$1,052,006,635	57.07%	19.56%	\$360,651,215	\$691,355,421	2.92	< .05 †
TOTAL	\$1,843,468,055	100.00%	100.00%	\$1,843,468,055			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$767,833,969	41.65%	74.88%	\$1,380,401,948	-\$612,567,979	0.56	< .05 *
Women Business Enterprises	\$23,627,450	1.28%	5.56%	\$102,414,892	-\$78,787,442	0.23	< .05 *
Minority and Women Business Enterprises	\$791,461,419	42.93%	80.44%	\$1,482,816,840	-\$691,355,421	0.53	< .05 *
Non-Minority Male Business Enterprises	\$1,052,006,635	57.07%	19.56%	\$360,651,215	\$691,355,421	2.92	< .05 †

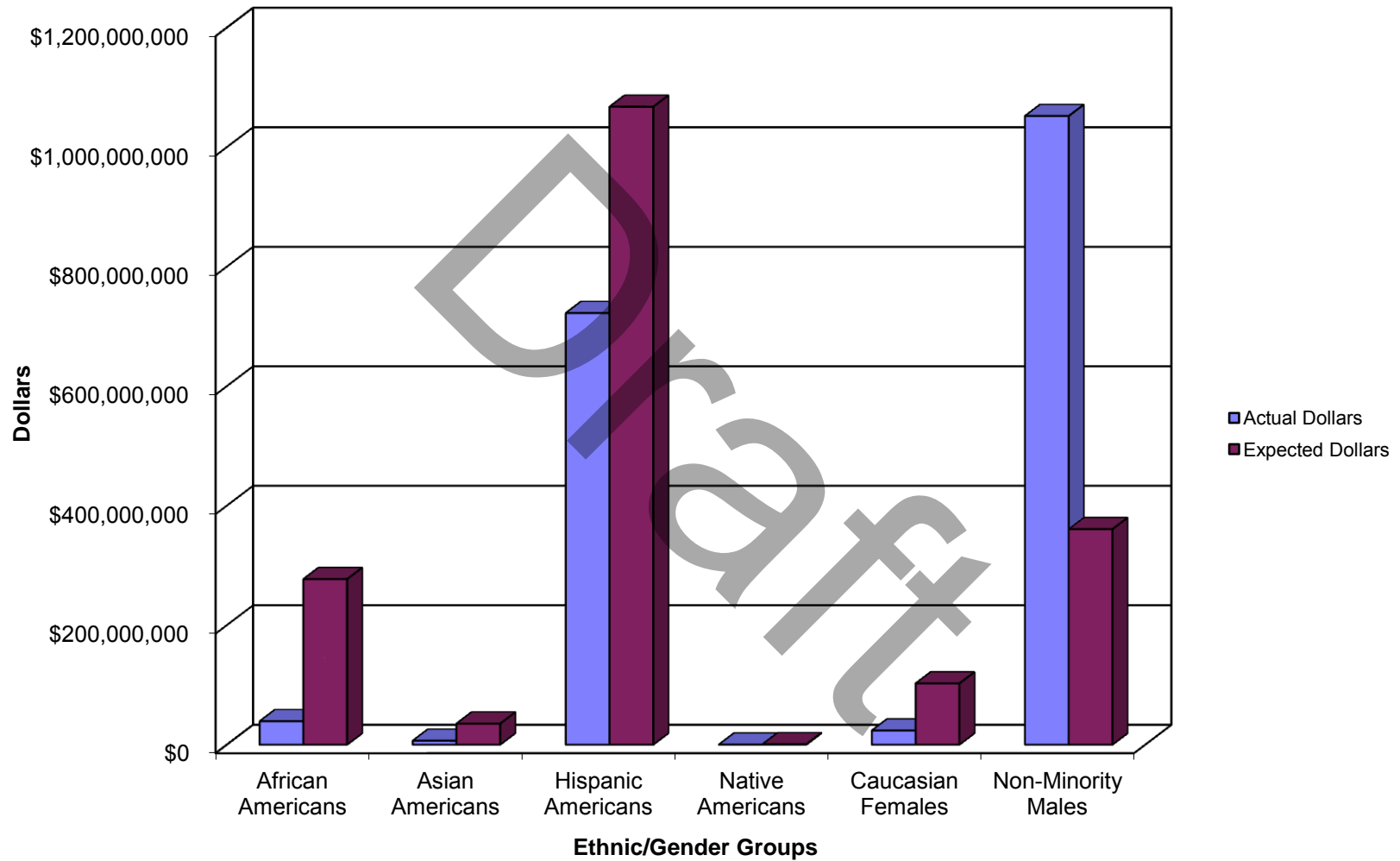
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.01: Disparity Analysis: All Industries Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**



*Mason Tillman Associates, Ltd. June 2014
Miami Dade County Disparity Study Report*

2. Construction Prime Contracts on All Contracts

The disparity analysis of construction prime contracts on all contracts is described below and depicted in Table 9.03 and Chart 9.02.

African Americans represent 15.59 percent of the available construction businesses and received 1.84 percent of the dollars for the construction prime contracts in all contracts. This underutilization is statistically significant.

Asian Americans represent 1.06 percent of the available construction businesses and received 0.03 percent of the dollars for construction prime contracts in all contracts. This underutilization is statistically significant.

Hispanic Americans represent 69.05 percent of the available construction businesses and received 44.15 percent of the dollars for construction prime contracts in all contracts. This underutilization is statistically significant.

Native Americans represent none of the available construction businesses and received none of the dollars for construction prime contracts in all contracts. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 85.7 percent of the available construction businesses and received 46.02 percent of the dollars for construction prime contracts in all contracts. This underutilization is statistically significant.

Women Business Enterprises represent 3.35 percent of the available construction businesses and received 0.21 percent of the dollars for construction prime contracts in all contracts. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 89.05 percent of available construction businesses and received 46.23 percent of the dollars for construction prime contracts in all contracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 10.95 percent of the available construction businesses and received 53.77 percent of the dollars for construction prime contracts in all contracts. This overutilization is statistically significant.



**Table 9.03: Disparity Analysis: Construction Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$25,761,029	1.84%	15.59%	\$218,181,773	-\$192,420,744	0.12	< .05 *
Asian Americans	\$433,151	0.03%	1.06%	\$14,900,219	-\$14,467,068	0.03	< .05 *
Hispanic Americans	\$617,850,851	44.15%	69.05%	\$966,385,609	-\$348,534,757	0.64	< .05 *
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$3,002,624	0.21%	3.35%	\$46,829,259	-\$43,826,634	0.06	< .05 *
Non-Minority Males	\$752,508,595	53.77%	10.95%	\$153,259,392	\$599,249,203	4.91	< .05 †
TOTAL	\$1,399,556,250	100.00%	100.00%	\$1,399,556,250			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$2,476,099	0.18%	2.74%	\$38,314,848	-\$35,838,749	0.06	not significant
African American Males	\$23,284,930	1.66%	12.85%	\$179,866,925	-\$156,581,995	0.13	< .05 *
Asian American Females	\$225,483	0.02%	0.38%	\$5,321,507	-\$5,096,024	0.04	----
Asian American Males	\$207,668	0.01%	0.68%	\$9,578,712	-\$9,371,044	0.02	----
Hispanic American Females	\$61,525,826	4.40%	15.51%	\$217,117,472	-\$155,591,646	0.28	< .05 *
Hispanic American Males	\$556,325,026	39.75%	53.54%	\$749,268,137	-\$192,943,112	0.74	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$3,002,624	0.21%	3.35%	\$46,829,259	-\$43,826,634	0.06	< .05 *
Non-Minority Males	\$752,508,595	53.77%	10.95%	\$153,259,392	\$599,249,203	4.91	< .05 †
TOTAL	\$1,399,556,250	100.00%	100.00%	\$1,399,556,250			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$64,227,408	4.59%	18.63%	\$260,753,826	-\$196,526,418	0.25	< .05 *
Minority Males	\$579,817,624	41.43%	67.07%	\$938,713,774	-\$358,896,150	0.62	< .05 *
Caucasian Females	\$3,002,624	0.21%	3.35%	\$46,829,259	-\$43,826,634	0.06	< .05 *
Non-Minority Males	\$752,508,595	53.77%	10.95%	\$153,259,392	\$599,249,203	4.91	< .05 †
TOTAL	\$1,399,556,250	100.00%	100.00%	\$1,399,556,250			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$644,045,031	46.02%	85.70%	\$1,199,467,600	-\$555,422,569	0.54	< .05 *
Women Business Enterprises	\$3,002,624	0.21%	3.35%	\$46,829,259	-\$43,826,634	0.06	< .05 *
Minority and Women Business Enterprises	\$647,047,656	46.23%	89.05%	\$1,246,296,859	-\$599,249,203	0.52	< .05 *
Non-Minority Male Business Enterprises	\$752,508,595	53.77%	10.95%	\$153,259,392	\$599,249,203	4.91	< .05 †

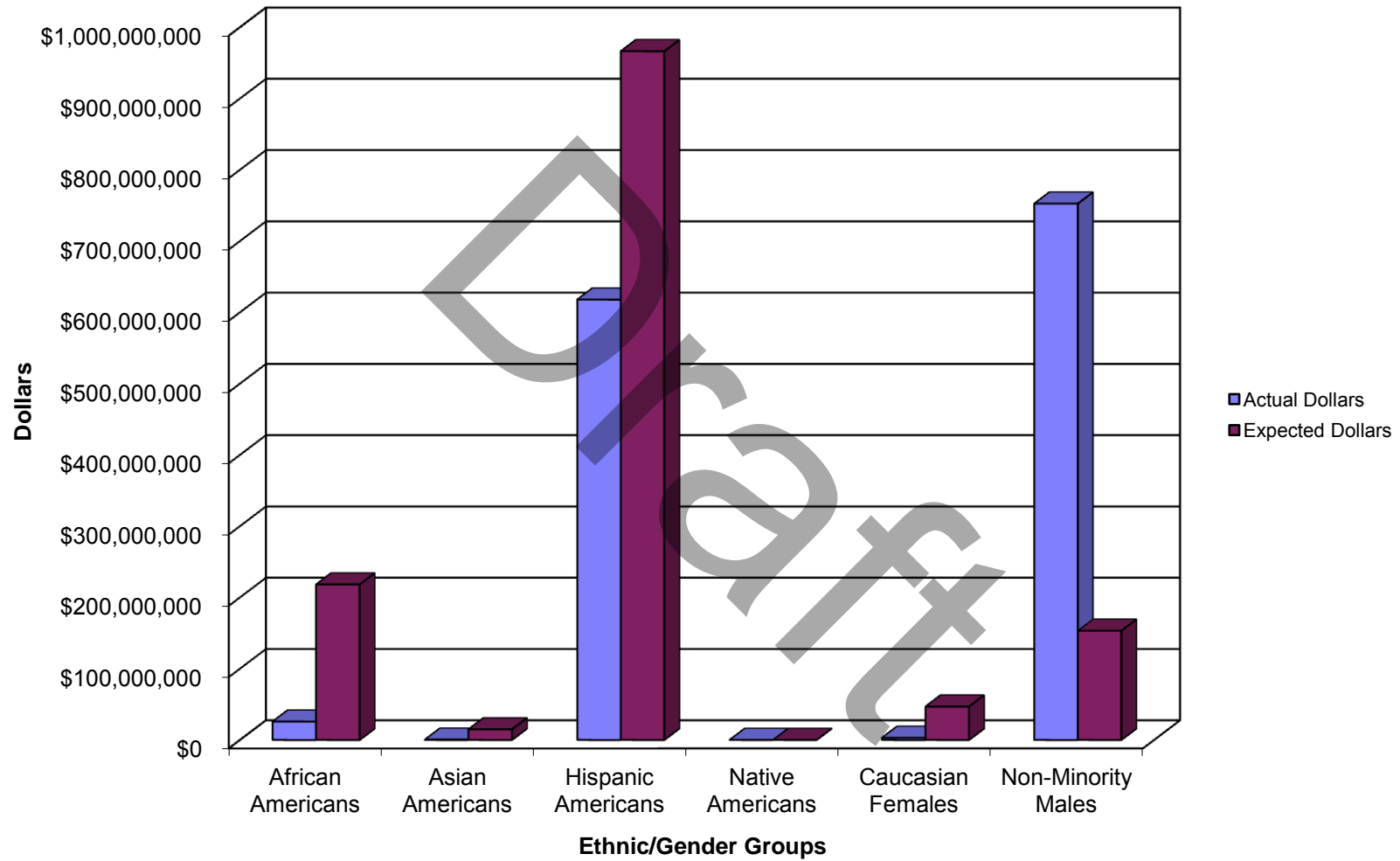
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.02: Disparity Analysis: Construction Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**



3. **Architecture and Engineering Prime Contracts on All Contracts**

The disparity analysis of architecture and engineering prime contracts on all contracts is described below and depicted in Table 9.04 and Chart 9.03.

African Americans represent seven percent of the available architecture and engineering businesses and received 1.01 percent of the dollars for the architecture and engineering prime contracts in all contracts. This underutilization is statistically significant.

Asian Americans represent 4.79 percent of the available architecture and engineering businesses and received 1.27 percent of the dollars for architecture and engineering prime contracts in all contracts. This underutilization is not statistically significant.

Hispanic Americans represent 58.56 percent of the available architecture and engineering businesses and received 25.34 percent of the dollars for architecture and engineering prime contracts in all contracts. This underutilization is statistically significant.

Native Americans represent none of the available architecture and engineering businesses and received none of the dollars for architecture and engineering prime contracts in all contracts. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 70.35 percent of the available architecture and engineering businesses and received 27.62 percent of the dollars for architecture and engineering prime contracts in all contracts. This underutilization is statistically significant.

Women Business Enterprises represent 6.63 percent of the available architecture and engineering businesses and received 3.25 percent of the dollars for architecture and engineering prime contracts in all contracts. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 76.98 percent of available architecture and engineering businesses and received 30.87 percent of the dollars for architecture and engineering prime contracts in all contracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 23.02 percent of the available architecture and engineering businesses and received 69.13 percent of the dollars for architecture and engineering prime contracts in all contracts. This overutilization is statistically significant.



**Table 9.04: Disparity Analysis: Architecture and Engineering Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$3,412,521	1.01%	7.00%	\$23,584,789	-\$20,172,268	0.14	< .05 *
Asian Americans	\$4,267,093	1.27%	4.79%	\$16,136,961	-\$11,869,868	0.26	not significant
Hispanic Americans	\$85,412,658	25.34%	58.56%	\$197,367,442	-\$111,954,784	0.43	< .05 *
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$10,950,044	3.25%	6.63%	\$22,343,484	-\$11,393,440	0.49	< .05 *
Non-Minority Males	\$232,971,902	69.13%	23.02%	\$77,581,542	\$155,390,360	3.00	< .05 †
TOTAL	\$337,014,217	100.00%	100.00%	\$337,014,217			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$0	0.00%	0.55%	\$1,861,957	-\$1,861,957	0.00	----
African American Males	\$3,412,521	1.01%	6.45%	\$21,722,832	-\$18,310,311	0.16	< .05 *
Asian American Females	\$2,534,031	0.75%	1.10%	\$3,723,914	-\$1,189,883	0.68	not significant
Asian American Males	\$1,733,062	0.51%	3.68%	\$12,413,047	-\$10,679,985	0.14	< .05 *
Hispanic American Females	\$15,333,773	4.55%	14.36%	\$48,410,882	-\$33,077,109	0.32	< .05 *
Hispanic American Males	\$70,078,884	20.79%	44.20%	\$148,956,560	-\$78,877,676	0.47	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$10,950,044	3.25%	6.63%	\$22,343,484	-\$11,393,440	0.49	< .05 *
Non-Minority Males	\$232,971,902	69.13%	23.02%	\$77,581,542	\$155,390,360	3.00	< .05 †
TOTAL	\$337,014,217	100.00%	100.00%	\$337,014,217			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$17,867,804	5.30%	16.02%	\$53,996,753	-\$36,128,949	0.33	< .05 *
Minority Males	\$75,224,467	22.32%	54.33%	\$183,092,438	-\$107,867,971	0.41	< .05 *
Caucasian Females	\$10,950,044	3.25%	6.63%	\$22,343,484	-\$11,393,440	0.49	< .05 *
Non-Minority Males	\$232,971,902	69.13%	23.02%	\$77,581,542	\$155,390,360	3.00	< .05 †
TOTAL	\$337,014,217	100.00%	100.00%	\$337,014,217			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$93,092,272	27.62%	70.35%	\$237,089,192	-\$143,996,920	0.39	< .05 *
Women Business Enterprises	\$10,950,044	3.25%	6.63%	\$22,343,484	-\$11,393,440	0.49	< .05 *
Minority and Women Business Enterprises	\$104,042,315	30.87%	76.98%	\$259,432,676	-\$155,390,360	0.40	< .05 *
Non-Minority Male Business Enterprises	\$232,971,902	69.13%	23.02%	\$77,581,542	\$155,390,360	3.00	< .05 †

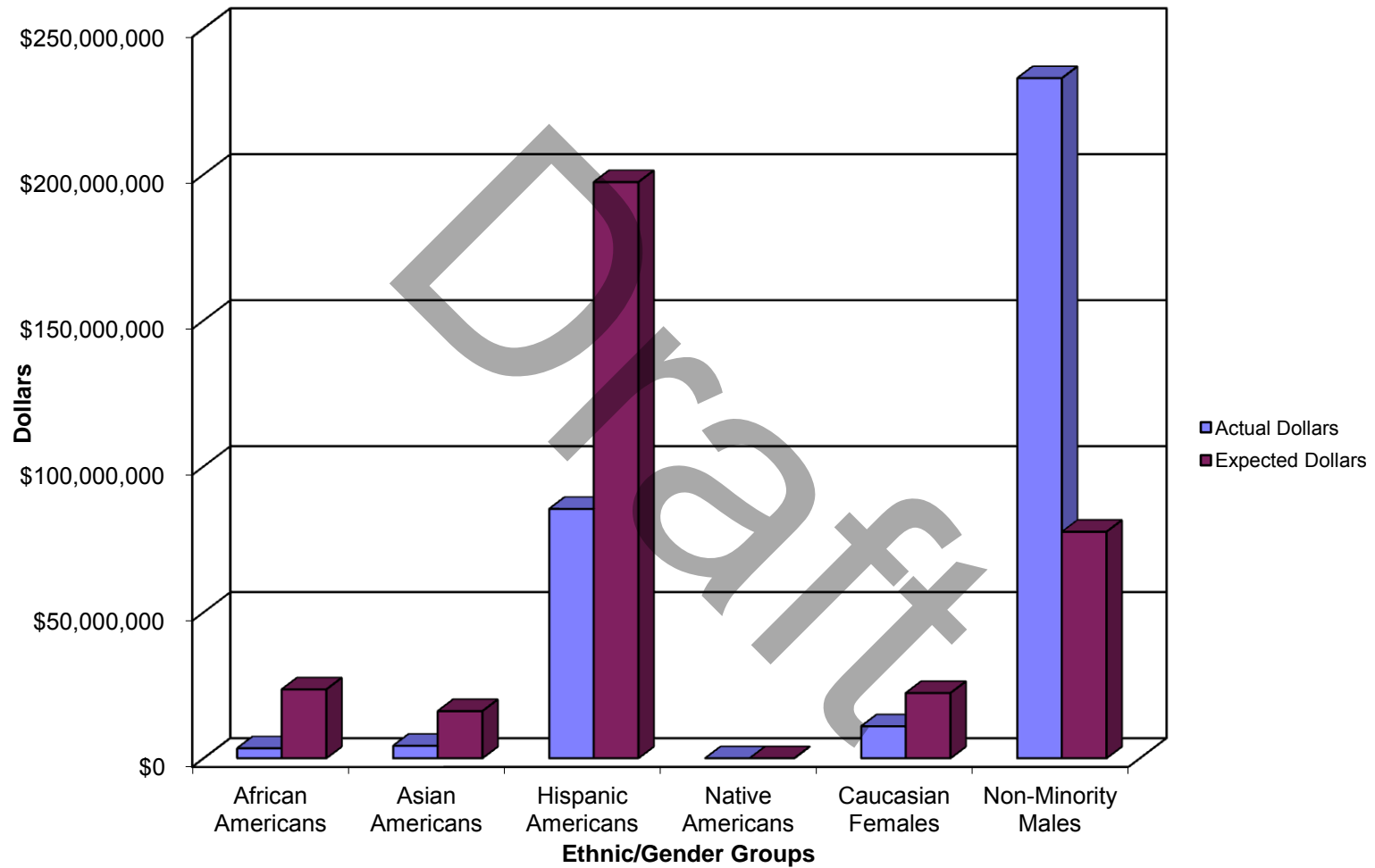
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.03: Disparity Analysis: Architecture and Engineering Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**



4. Professional Services Prime Contracts on All Contracts

The disparity analysis of professional services prime contracts on all contracts is described below and depicted in Table 9.05 and Chart 9.04.

African Americans represent 21.71 percent of the available professional services businesses and received 6.14 percent of the dollars for professional services prime contracts in all contracts. This underutilization is statistically significant.

Asian Americans represent 2.67 percent of the available professional services businesses and received 10.17 percent of the dollars for professional services prime contracts in all contracts. This study does not test statistically the overutilization of minority group.

Hispanic Americans represent 53.52 percent of the available professional services businesses and received 18.03 percent of the dollars for professional services prime contracts in all contracts. This underutilization is statistically significant.

Native Americans represent none of the available professional services businesses and received none of the dollars for professional services prime contracts in all contracts. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 77.9 percent of the available professional services businesses and received 34.34 percent of the dollars for professional services prime contracts in all contracts. This underutilization is statistically significant.

Women Business Enterprises represent 8.57 percent of the available professional services businesses and received 2.4 percent of the dollars for professional services prime contracts in all contracts. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 86.48 percent of available professional services businesses and received 36.74 percent of the dollars for professional services prime contracts in all contracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 13.52 percent of the available professional services businesses and received 63.26 percent of the dollars for professional services prime contracts in all contracts. This overutilization is statistically significant.



**Table 9.05: Disparity Analysis: Professional Services Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$551,900	6.14%	21.71%	\$1,952,606	-\$1,400,706	0.28	< .05 *
Asian Americans	\$914,836	10.17%	2.67%	\$239,794	\$675,042	3.82	**
Hispanic Americans	\$1,621,372	18.03%	53.52%	\$4,813,003	-\$3,191,631	0.34	< .05 *
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$215,583	2.40%	8.57%	\$770,766	-\$555,182	0.28	< .05 *
Non-Minority Males	\$5,688,575	63.26%	13.52%	\$1,216,097	\$4,472,478	4.68	< .05 †
TOTAL	\$8,992,266	100.00%	100.00%	\$8,992,266			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$551,900	6.14%	9.33%	\$839,278	-\$287,378	0.66	not significant
African American Males	\$0	0.00%	12.38%	\$1,113,328	-\$1,113,328	0.00	< .05 *
Asian American Females	\$0	0.00%	0.95%	\$85,641	-\$85,641	0.00	----
Asian American Males	\$914,836	10.17%	1.71%	\$154,153	\$760,683	5.93	**
Hispanic American Females	\$843,425	9.38%	21.14%	\$1,901,222	-\$1,057,797	0.44	not significant
Hispanic American Males	\$777,947	8.65%	32.38%	\$2,911,781	-\$2,133,834	0.27	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$215,583	2.40%	8.57%	\$770,766	-\$555,182	0.28	< .05 *
Non-Minority Males	\$5,688,575	63.26%	13.52%	\$1,216,097	\$4,472,478	4.68	< .05 †
TOTAL	\$8,992,266	100.00%	100.00%	\$8,992,266			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$1,395,325	15.52%	31.43%	\$2,826,141	-\$1,430,816	0.49	not significant
Minority Males	\$1,692,783	18.82%	46.48%	\$4,179,263	-\$2,486,480	0.41	< .05 *
Caucasian Females	\$215,583	2.40%	8.57%	\$770,766	-\$555,182	0.28	< .05 *
Non-Minority Males	\$5,688,575	63.26%	13.52%	\$1,216,097	\$4,472,478	4.68	< .05 †
TOTAL	\$8,992,266	100.00%	100.00%	\$8,992,266			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$3,088,108	34.34%	77.90%	\$7,005,404	-\$3,917,295	0.44	< .05 *
Women Business Enterprises	\$215,583	2.40%	8.57%	\$770,766	-\$555,182	0.28	< .05 *
Minority and Women Business Enterprises	\$3,303,691	36.74%	86.48%	\$7,776,169	-\$4,472,478	0.42	< .05 *
Non-Minority Male Business Enterprises	\$5,688,575	63.26%	13.52%	\$1,216,097	\$4,472,478	4.68	< .05 †

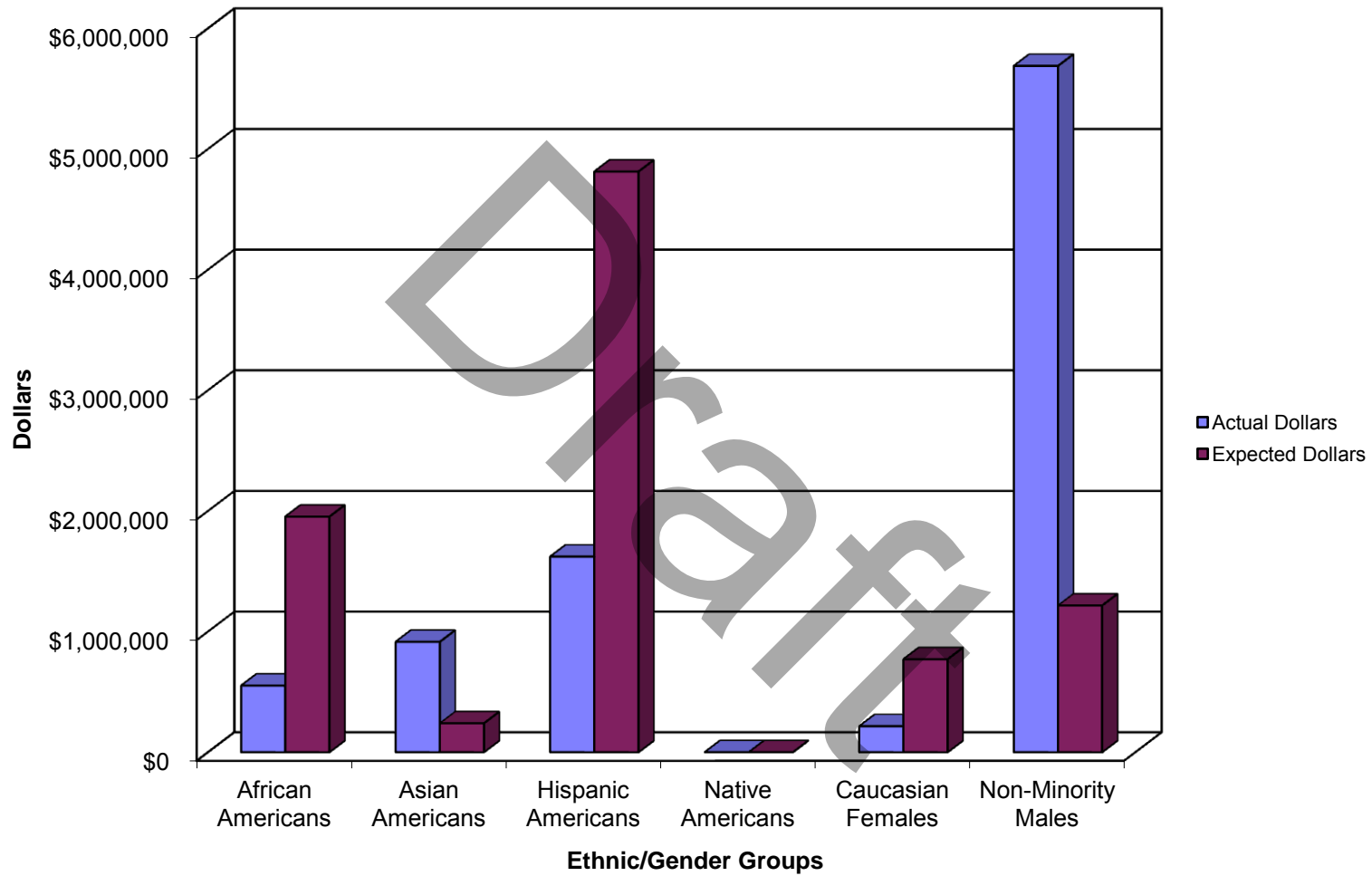
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.04: Disparity Analysis: Professional Services Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**



5. Goods and Other Services Prime Contracts on All Contracts

The disparity analysis of goods and other services prime contracts on all contracts is described below and depicted in Table 9.06 and Chart 9.05.

African Americans represent 15.82 percent of the available goods and other services businesses and received 9.59 percent of the dollars for the goods and other services prime contracts. This underutilization is statistically significant.

Asian Americans represent 1.38 percent of the available goods and other services businesses and received 0.88 percent of the dollars for goods and other services prime contracts. This underutilization is statistically significant.

Hispanic Americans represent 41.13 percent of the available goods and other services businesses and received 17.74 percent of the dollars for goods and other services prime contracts. This underutilization is statistically significant.

Native Americans represent 0.14 percent of the available goods and other services businesses and received none of the dollars for goods and other services prime contracts. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 58.46 percent of the available goods and other services businesses and received 28.2 percent of the dollars for goods and other services prime contracts. This underutilization is statistically significant.

Women Business Enterprises represent 7.29 percent of the available goods and other services businesses and received 9.66 percent of the dollars for goods and other services prime contracts. This study does not test statistically the overutilization of minority group.

Minority and Women Business Enterprises represent 65.75 percent of available goods and other services businesses and received 37.86 percent of the dollars for goods and other services prime contracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 34.25 percent of the available goods and other services businesses and received 62.14 percent of the dollars for goods and other services prime contracts. This overutilization is statistically significant.



**Table 9.06: Disparity Analysis: Goods and Other Services Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$9,384,737	9.59%	15.82%	\$15,487,087	-\$6,102,350	0.61	< .05 *
Asian Americans	\$857,593	0.88%	1.38%	\$1,346,703	-\$489,110	0.64	< .05 *
Hispanic Americans	\$17,366,229	17.74%	41.13%	\$40,266,425	-\$22,900,196	0.43	< .05 *
Native Americans	\$0	0.00%	0.14%	\$134,670	-\$134,670	0.00	----
Caucasian Females	\$9,459,199	9.66%	7.29%	\$7,137,527	\$2,321,672	1.33	**
Non-Minority Males	\$60,837,564	62.14%	34.25%	\$33,532,909	\$27,304,655	1.81	< .05 †
TOTAL	\$97,905,321	100.00%	100.00%	\$97,905,321			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$1,877,312	1.92%	5.50%	\$5,386,813	-\$3,509,500	0.35	< .05 *
African American Males	\$7,507,424	7.67%	10.32%	\$10,100,274	-\$2,592,850	0.74	< .05 *
Asian American Females	\$3,925	0.00%	0.28%	\$269,341	-\$265,416	0.01	----
Asian American Males	\$853,668	0.87%	1.10%	\$1,077,363	-\$223,695	0.79	not significant
Hispanic American Females	\$1,500,668	1.53%	12.38%	\$12,120,329	-\$10,619,661	0.12	< .05 *
Hispanic American Males	\$15,865,561	16.21%	28.75%	\$28,146,096	-\$12,280,535	0.56	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.14%	\$134,670	-\$134,670	0.00	----
Caucasian Females	\$9,459,199	9.66%	7.29%	\$7,137,527	\$2,321,672	1.33	**
Non-Minority Males	\$60,837,564	62.14%	34.25%	\$33,532,909	\$27,304,655	1.81	< .05 †
TOTAL	\$97,905,321	100.00%	100.00%	\$97,905,321			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$3,381,905	3.45%	18.16%	\$17,776,482	-\$14,394,577	0.19	< .05 *
Minority Males	\$24,226,653	24.74%	40.30%	\$39,458,403	-\$15,231,750	0.61	< .05 *
Caucasian Females	\$9,459,199	9.66%	7.29%	\$7,137,527	\$2,321,672	1.33	**
Non-Minority Males	\$60,837,564	62.14%	34.25%	\$33,532,909	\$27,304,655	1.81	< .05 †
TOTAL	\$97,905,321	100.00%	100.00%	\$97,905,321			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$27,608,558	28.20%	58.46%	\$57,234,885	-\$29,626,327	0.48	< .05 *
Women Business Enterprises	\$9,459,199	9.66%	7.29%	\$7,137,527	\$2,321,672	1.33	**
Minority and Women Business Enterprises	\$37,067,757	37.86%	65.75%	\$64,372,412	-\$27,304,655	0.58	< .05 *
Non-Minority Male Business Enterprises	\$60,837,564	62.14%	34.25%	\$33,532,909	\$27,304,655	1.81	< .05 †

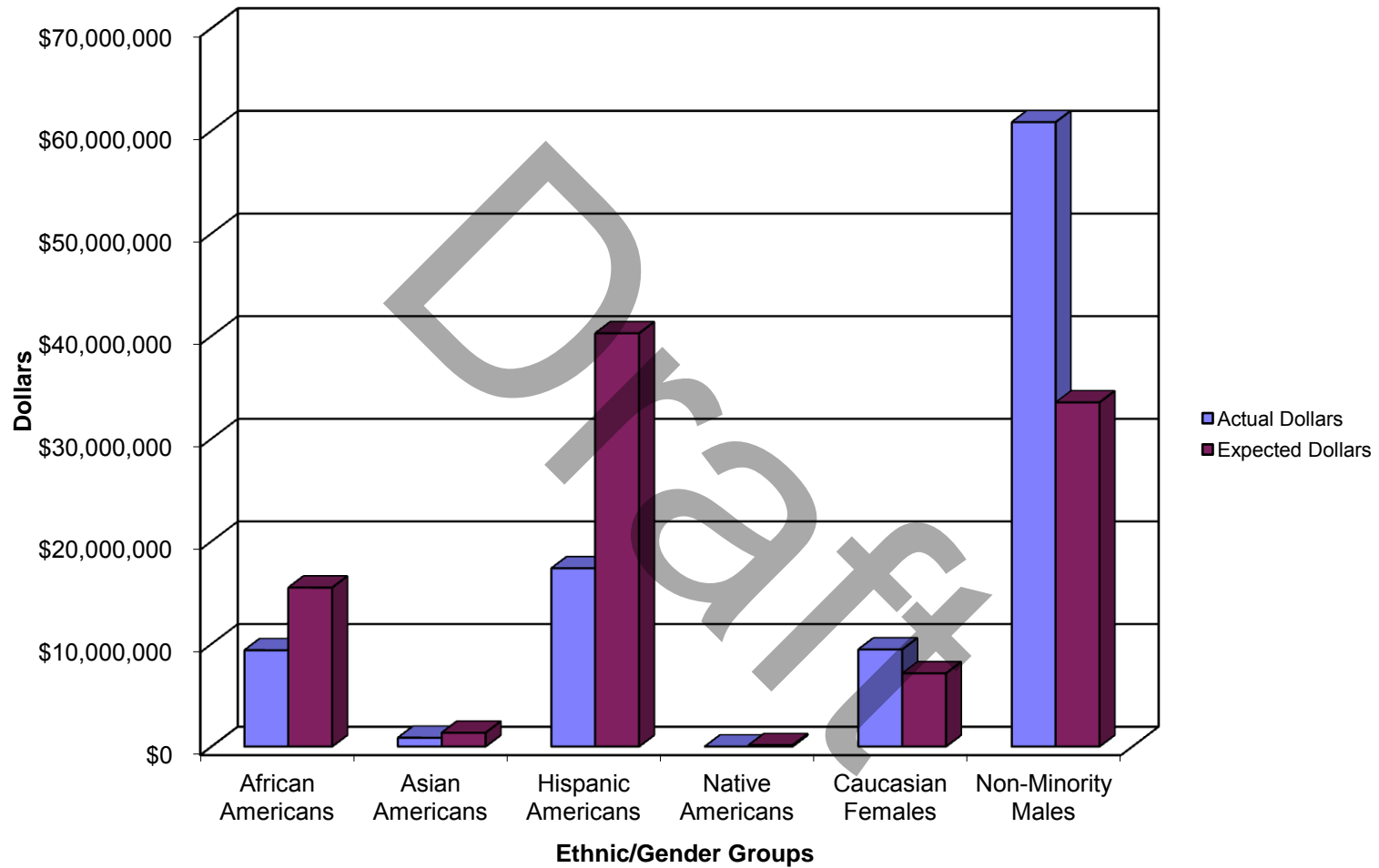
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.05: Disparity Analysis: Goods and Other Services Prime Contracts on All Contracts,
January 1, 2007 to December 31, 2011**



C. Disparity Analysis: All Industries Prime Contracts under \$250,000, by Industry

1. All Industries Prime Contracts Under \$250,000

The disparity analysis of all industries prime contracts under \$250,000 is described below and depicted in Table 9.07 and Chart 9.06.

African Americans represent 15.03 percent of the available businesses and received 10.96 percent of the dollars for the all industries prime contracts under \$250,000. This underutilization is not statistically significant.

Asian Americans represent 1.91 percent of the available businesses and received 1.45 percent of the dollars for all industries prime contracts under \$250,000. This underutilization is statistically significant.

Hispanic Americans represent 57.91 percent of the available businesses and received 50.42 percent of the dollars for all industries prime contracts under \$250,000. This underutilization is not statistically significant.

Native Americans represent 0.03 percent of the available businesses and received none of the dollars for all industries prime contracts under \$250,000. While this group was underutilized, there were too few available firms to determine statistical significance.

Minority Business Enterprises represent 74.88 percent of the available businesses and received 62.84 percent of the dollars for all industries prime contracts under \$250,000. This underutilization is not statistically significant.

Women Business Enterprises represent 5.56 percent of the available businesses and received 3.38 percent of the dollars for all industries prime contracts under \$250,000. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 80.44 percent of available businesses and received 66.22 percent of the dollars for all industries prime contracts under \$250,000. This underutilization is not statistically significant.

Non-Minority Male Business Enterprises represent 19.56 percent of the available businesses and received 33.78 percent of the dollars for all industries prime contracts under \$250,000. This overutilization is statistically significant.



**Table 9.07: Disparity Analysis: All Industries Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$18,064,143	10.96%	15.03%	\$24,767,268	-\$6,703,124	0.73	not significant
Asian Americans	\$2,396,668	1.45%	1.91%	\$3,145,050	-\$748,382	0.76	< .05 *
Hispanic Americans	\$83,085,465	50.42%	57.91%	\$95,418,566	-\$12,333,101	0.87	not significant
Native Americans	\$0	0.00%	0.03%	\$56,162	-\$56,162	0.00	----
Caucasian Females	\$5,564,333	3.38%	5.56%	\$9,154,342	-\$3,590,009	0.61	< .05 *
Non-Minority Males	\$55,667,538	33.78%	19.56%	\$32,236,761	\$23,430,777	1.73	< .05 †
TOTAL	\$164,778,148	100.00%	100.00%	\$164,778,148			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$2,471,410	1.50%	4.09%	\$6,739,393	-\$4,267,983	0.37	not significant
African American Males	\$15,592,734	9.46%	10.94%	\$18,027,875	-\$2,435,141	0.86	not significant
Asian American Females	\$596,197	0.36%	0.58%	\$954,747	-\$358,550	0.62	----
Asian American Males	\$1,800,471	1.09%	1.33%	\$2,190,303	-\$389,831	0.82	not significant
Hispanic American Females	\$15,955,629	9.68%	15.24%	\$25,104,237	-\$9,148,608	0.64	not significant
Hispanic American Males	\$67,129,836	40.74%	42.67%	\$70,314,329	-\$3,184,493	0.95	not significant
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.03%	\$56,162	-\$56,162	0.00	----
Caucasian Females	\$5,564,333	3.38%	5.56%	\$9,154,342	-\$3,590,009	0.61	< .05 *
Non-Minority Males	\$55,667,538	33.78%	19.56%	\$32,236,761	\$23,430,777	1.73	< .05 †
TOTAL	\$164,778,148	100.00%	100.00%	\$164,778,148			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$19,023,236	11.54%	19.90%	\$32,798,377	-\$13,775,141	0.58	not significant
Minority Males	\$84,523,041	51.30%	54.98%	\$90,588,668	-\$6,065,627	0.93	not significant
Caucasian Females	\$5,564,333	3.38%	5.56%	\$9,154,342	-\$3,590,009	0.61	< .05 *
Non-Minority Males	\$55,667,538	33.78%	19.56%	\$32,236,761	\$23,430,777	1.73	< .05 †
TOTAL	\$164,778,148	100.00%	100.00%	\$164,778,148			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$103,546,277	62.84%	74.88%	\$123,387,045	-\$19,840,768	0.84	not significant
Women Business Enterprises	\$5,564,333	3.38%	5.56%	\$9,154,342	-\$3,590,009	0.61	< .05 *
Minority and Women Business Enterprises	\$109,110,610	66.22%	80.44%	\$132,541,387	-\$23,430,777	0.82	not significant
Non-Minority Male Business Enterprises	\$55,667,538	33.78%	19.56%	\$32,236,761	\$23,430,777	1.73	< .05 †

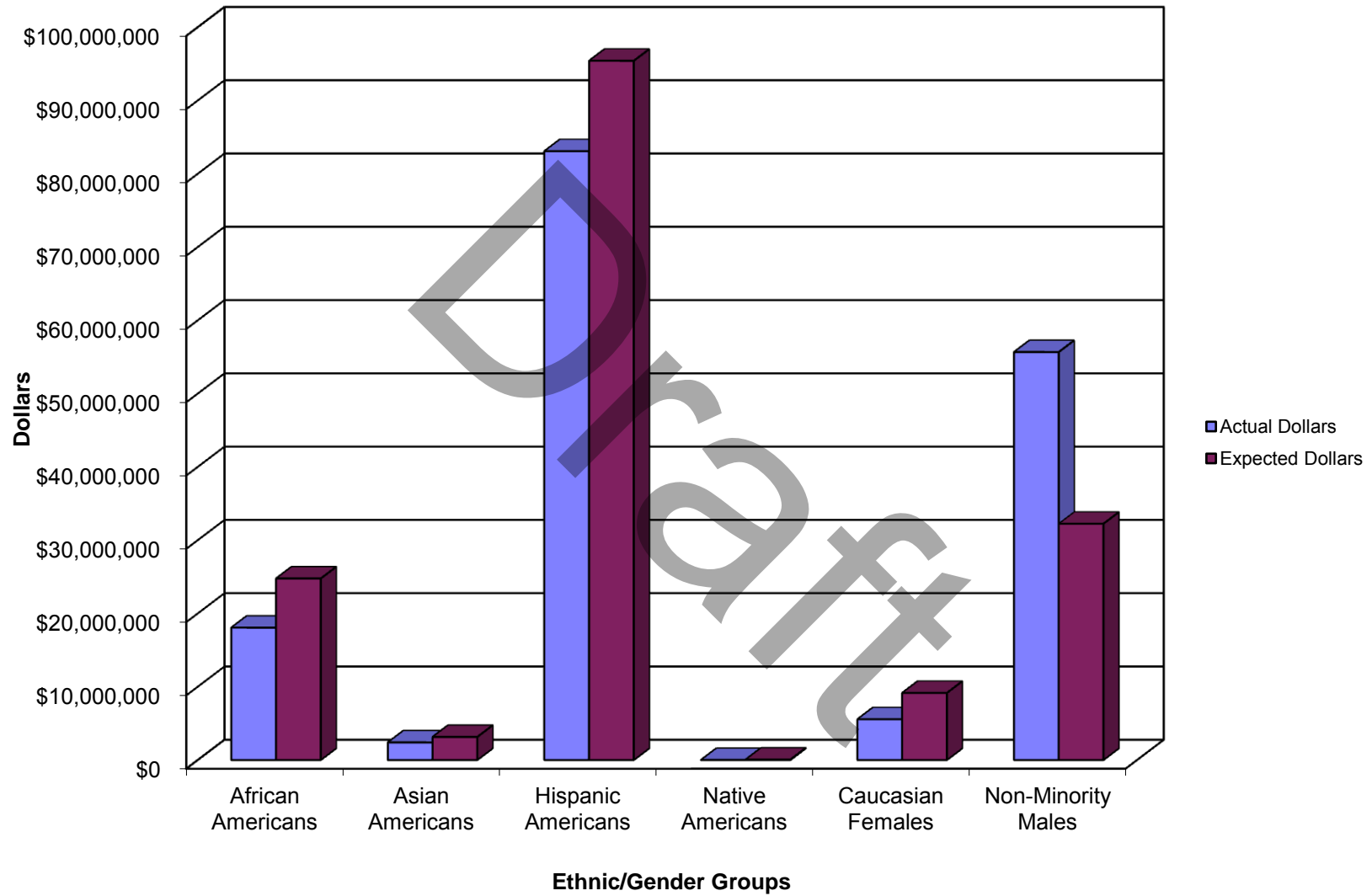
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.06: Disparity Analysis: All Industries Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**



*Mason Tillman Associates, Ltd. June 2014
Miami Dade County Disparity Study Report*

2. Construction Prime Contracts Under \$250,000

The disparity analysis of construction prime contracts under \$250,000 is described below and depicted in Table 9.08 and Chart 9.07.

African Americans represent 15.59 percent of the available construction businesses and received 14.27 percent of the dollars for the construction prime contracts under \$250,000. This underutilization is not statistically significant.

Asian Americans represent 1.06 percent of the available construction businesses and received 0.51 percent of the dollars for construction prime contracts under \$250,000. This underutilization is statistically significant.

Hispanic Americans represent 69.05 percent of the available construction businesses and received 70.71 percent of the dollars for construction prime contracts under \$250,000. This study does not test statistically the overutilization of minority group.

Native Americans represent none of the available construction businesses and received none of the dollars for construction prime contracts under \$250,000. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 85.7 percent of the available construction businesses and received 85.49 percent of the dollars for construction prime contracts under \$250,000. This underutilization is not statistically significant.

Women Business Enterprises represent 3.35 percent of the available construction businesses and received 0.35 percent of the dollars for construction prime contracts under \$250,000. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 89.05 percent of available construction businesses and received 85.84 percent of the dollars for construction prime contracts under \$250,000. This underutilization is not statistically significant.

Non-Minority Male Business Enterprises represent 10.95 percent of the available construction businesses and received 14.16 percent of the dollars for construction prime contracts under \$250,000. This overutilization is not statistically significant.



**Table 9.08: Disparity Analysis: Construction Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$12,046,422	14.27%	15.59%	\$13,160,674	-\$1,114,252	0.92	not significant
Asian Americans	\$433,151	0.51%	1.06%	\$898,778	-\$465,627	0.48	< .05 *
Hispanic Americans	\$59,692,174	70.71%	69.05%	\$58,292,155	\$1,400,019	1.02	**
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$292,324	0.35%	3.35%	\$2,824,730	-\$2,532,406	0.10	< .05 *
Non-Minority Males	\$11,956,837	14.16%	10.95%	\$9,244,571	\$2,712,266	1.29	not significant
TOTAL	\$84,420,907	100.00%	100.00%	\$84,420,907			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$1,951,099	2.31%	2.74%	\$2,311,143	-\$360,044	0.84	not significant
African American Males	\$10,095,323	11.96%	12.85%	\$10,849,531	-\$754,208	0.93	not significant
Asian American Females	\$225,483	0.27%	0.38%	\$320,992	-\$95,509	0.70	----
Asian American Males	\$207,668	0.25%	0.68%	\$577,786	-\$370,118	0.36	----
Hispanic American Females	\$11,340,457	13.43%	15.51%	\$13,096,475	-\$1,756,018	0.87	not significant
Hispanic American Males	\$48,351,717	57.27%	53.54%	\$45,195,679	\$3,156,037	1.07	**
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$292,324	0.35%	3.35%	\$2,824,730	-\$2,532,406	0.10	< .05 *
Non-Minority Males	\$11,956,837	14.16%	10.95%	\$9,244,571	\$2,712,266	1.29	not significant
TOTAL	\$84,420,907	100.00%	100.00%	\$84,420,907			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$13,517,039	16.01%	18.63%	\$15,728,610	-\$2,211,571	0.86	not significant
Minority Males	\$58,654,708	69.48%	67.07%	\$56,622,996	\$2,031,711	1.04	**
Caucasian Females	\$292,324	0.35%	3.35%	\$2,824,730	-\$2,532,406	0.10	< .05 *
Non-Minority Males	\$11,956,837	14.16%	10.95%	\$9,244,571	\$2,712,266	1.29	not significant
TOTAL	\$84,420,907	100.00%	100.00%	\$84,420,907			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$72,171,747	85.49%	85.70%	\$72,351,606	-\$179,860	1.00	not significant
Women Business Enterprises	\$292,324	0.35%	3.35%	\$2,824,730	-\$2,532,406	0.10	< .05 *
Minority and Women Business Enterprises	\$72,464,070	85.84%	89.05%	\$75,176,336	-\$2,712,266	0.96	not significant
Non-Minority Male Business Enterprises	\$11,956,837	14.16%	10.95%	\$9,244,571	\$2,712,266	1.29	not significant

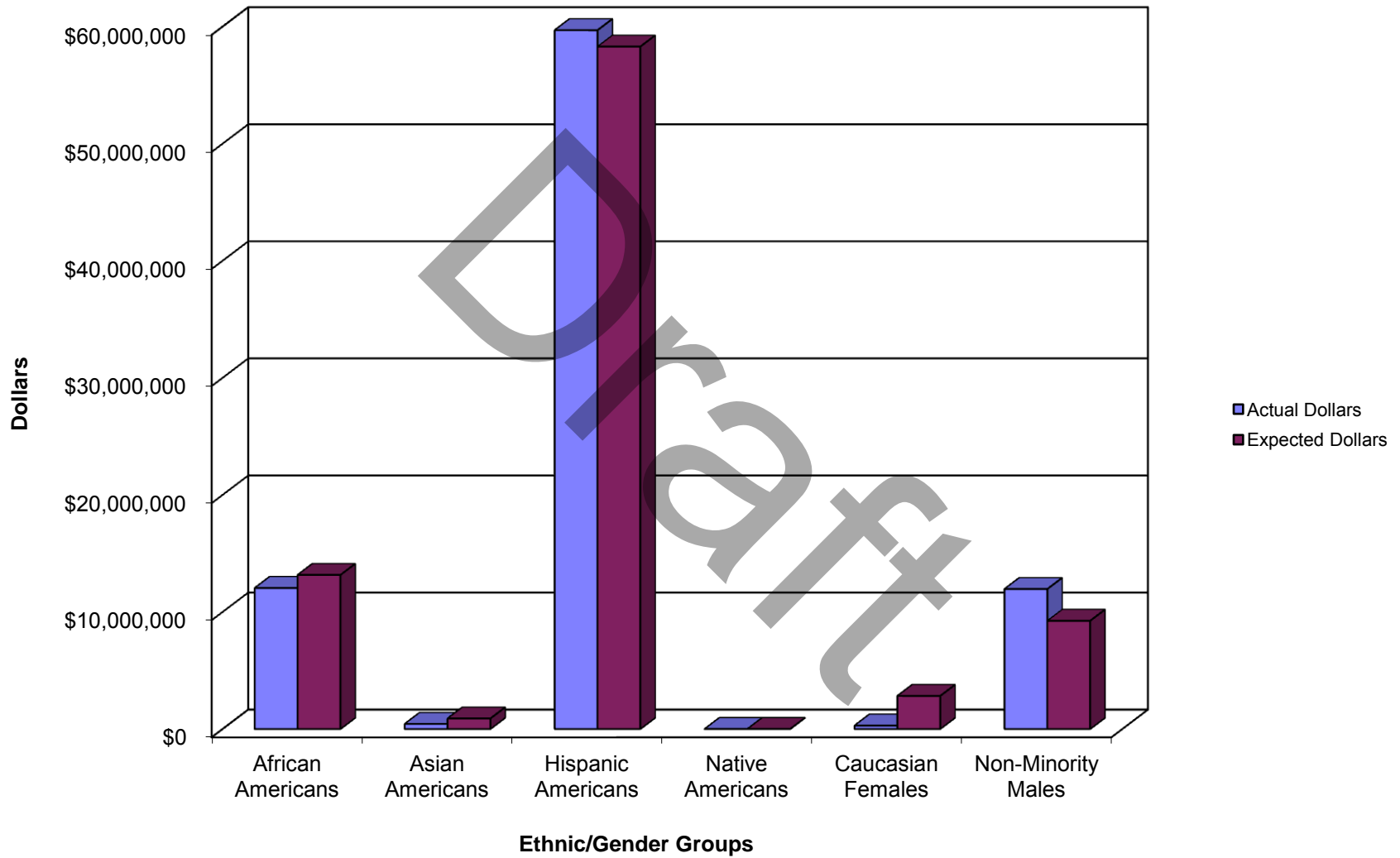
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.07: Disparity Analysis: Construction Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**



3. Architecture and Engineering Prime Contracts Under \$250,000

The disparity analysis of architecture and engineering prime contracts under \$250,000 is described below and depicted in Table 9.09 and Chart 9.08.

African Americans represent seven percent of the available architecture and engineering businesses and received 3.58 percent of the dollars for the architecture and engineering prime contracts under \$250,000. This underutilization is statistically significant.

Asian Americans represent 4.79 percent of the available architecture and engineering businesses and received 3.84 percent of the dollars for architecture and engineering prime contracts under \$250,000. This underutilization is not statistically significant.

Hispanic Americans represent 58.56 percent of the available architecture and engineering businesses and received 49.12 percent of the dollars for architecture and engineering prime contracts under \$250,000. This underutilization is not statistically significant.

Native Americans represent none of the available architecture and engineering businesses and received none of the dollars for architecture and engineering prime contracts under \$250,000. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 70.35 percent of the available architecture and engineering businesses and received 56.54 percent of the dollars for architecture and engineering prime contracts under \$250,000. This underutilization is not statistically significant.

Women Business Enterprises represent 6.63 percent of the available architecture and engineering businesses and received 3.37 percent of the dollars for architecture and engineering prime contracts under \$250,000. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 76.98 percent of available architecture and engineering businesses and received 59.91 percent of the dollars for architecture and engineering prime contracts under \$250,000. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 23.02 percent of the available architecture and engineering businesses and received 40.09 percent of the dollars for architecture and engineering prime contracts under \$250,000. This overutilization is statistically significant.



**Table 9.09: Disparity Analysis: Architecture and Engineering Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$1,017,948	3.58%	7.00%	\$1,988,269	-\$970,321	0.51	< .05 *
Asian Americans	\$1,090,924	3.84%	4.79%	\$1,360,395	-\$269,470	0.80	not significant
Hispanic Americans	\$13,954,403	49.12%	58.56%	\$16,638,671	-\$2,684,269	0.84	not significant
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$957,465	3.37%	6.63%	\$1,883,623	-\$926,158	0.51	< .05 *
Non-Minority Males	\$11,390,577	40.09%	23.02%	\$6,540,358	\$4,850,218	1.74	< .05 †
TOTAL	\$28,411,316	100.00%	100.00%	\$28,411,316			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$0	0.00%	0.55%	\$156,969	-\$156,969	0.00	----
African American Males	\$1,017,948	3.58%	6.45%	\$1,831,300	-\$813,352	0.56	< .05 *
Asian American Females	\$366,789	1.29%	1.10%	\$313,937	\$52,852	1.17	**
Asian American Males	\$724,135	2.55%	3.68%	\$1,046,457	-\$322,322	0.69	not significant
Hispanic American Females	\$3,076,924	10.83%	14.36%	\$4,081,184	-\$1,004,259	0.75	< .05 *
Hispanic American Males	\$10,877,479	38.29%	44.20%	\$12,557,488	-\$1,680,009	0.87	not significant
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$957,465	3.37%	6.63%	\$1,883,623	-\$926,158	0.51	< .05 *
Non-Minority Males	\$11,390,577	40.09%	23.02%	\$6,540,358	\$4,850,218	1.74	< .05 †
TOTAL	\$28,411,316	100.00%	100.00%	\$28,411,316			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$3,443,713	12.12%	16.02%	\$4,552,089	-\$1,108,376	0.76	< .05 *
Minority Males	\$12,619,562	44.42%	54.33%	\$15,435,246	-\$2,815,684	0.82	not significant
Caucasian Females	\$957,465	3.37%	6.63%	\$1,883,623	-\$926,158	0.51	< .05 *
Non-Minority Males	\$11,390,577	40.09%	23.02%	\$6,540,358	\$4,850,218	1.74	< .05 †
TOTAL	\$28,411,316	100.00%	100.00%	\$28,411,316			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$16,063,275	56.54%	70.35%	\$19,987,335	-\$3,924,060	0.80	not significant
Women Business Enterprises	\$957,465	3.37%	6.63%	\$1,883,623	-\$926,158	0.51	< .05 *
Minority and Women Business Enterprises	\$17,020,740	59.91%	76.98%	\$21,870,958	-\$4,850,218	0.78	< .05 *
Non-Minority Male Business Enterprises	\$11,390,577	40.09%	23.02%	\$6,540,358	\$4,850,218	1.74	< .05 †

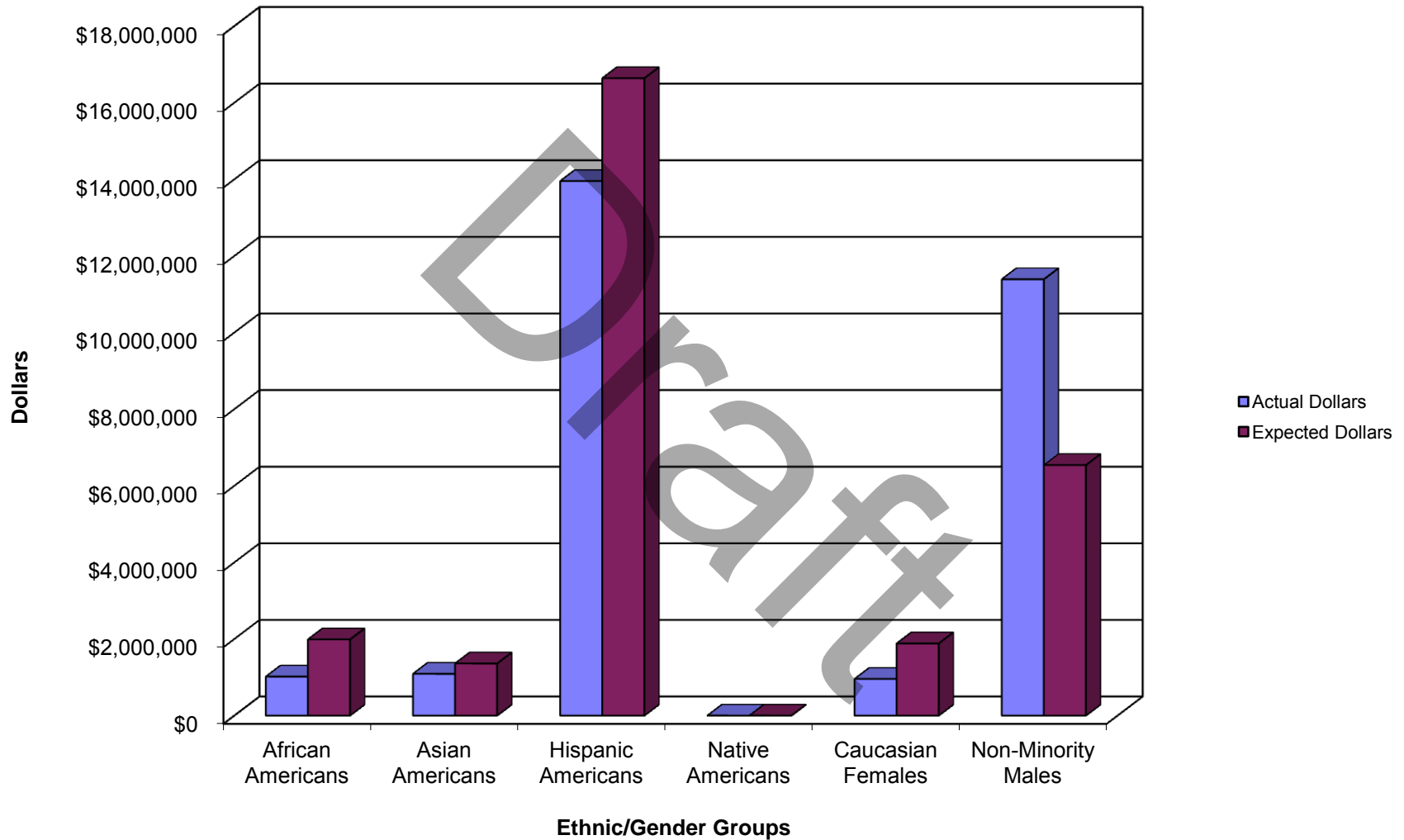
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.08: Disparity Analysis: Architecture and Engineering Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**



*Mason Tillman Associates, Ltd. June 2014
Miami Dade County Disparity Study Report*

4. Professional Services Prime Contracts Under \$250,000

The disparity analysis of professional services prime contracts under \$250,000 is described below and depicted in Table 9.10 and Chart 9.09.

African Americans represent 21.71 percent of the available professional services businesses and received 4.32 percent of the dollars for the professional services prime contracts under \$250,000. This underutilization is statistically significant.

Asian Americans represent 2.67 percent of the available professional services businesses and received 0.38 percent of the dollars for professional services prime contracts under \$250,000. This underutilization is not statistically significant.

Hispanic Americans represent 53.52 percent of the available professional services businesses and received 29.12 percent of the dollars for professional services prime contracts under \$250,000. This underutilization is statistically significant.

Native Americans represent none of the available professional services businesses and received none of the dollars for professional services prime contracts under \$250,000. There were too few available firms to determine statistical significance.

Minority Business Enterprises represent 77.9 percent of the available professional services businesses and received 33.81 percent of the dollars for professional services prime contracts under \$250,000. This underutilization is statistically significant.

Women Business Enterprises represent 8.57 percent of the available professional services businesses and received 5.39 percent of the dollars for professional services prime contracts under \$250,000. This underutilization is statistically significant.

Minority and Women Business Enterprises represent 86.48 percent of available professional services businesses and received 39.2 percent of the dollars for professional services prime contracts under \$250,000. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 13.52 percent of the available professional services businesses and received 60.8 percent of the dollars for professional services prime contracts under \$250,000. This overutilization is statistically significant.



**Table 9.10: Disparity Analysis: Professional Services Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$172,527	4.32%	21.71%	\$868,138	-\$695,611	0.20	< .05 *
Asian Americans	\$15,000	0.38%	2.67%	\$106,613	-\$91,613	0.14	not significant
Hispanic Americans	\$1,164,097	29.12%	53.52%	\$2,139,885	-\$975,788	0.54	< .05 *
Native Americans	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$215,583	5.39%	8.57%	\$342,686	-\$127,103	0.63	< .05 *
Non-Minority Males	\$2,430,799	60.80%	13.52%	\$540,683	\$1,890,116	4.50	< .05 †
TOTAL	\$3,998,006	100.00%	100.00%	\$3,998,006			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$172,527	4.32%	9.33%	\$373,147	-\$200,620	0.46	not significant
African American Males	\$0	0.00%	12.38%	\$494,991	-\$494,991	0.00	< .05 *
Asian American Females	\$0	0.00%	0.95%	\$38,076	-\$38,076	0.00	----
Asian American Males	\$15,000	0.38%	1.71%	\$68,537	-\$53,537	0.22	not significant
Hispanic American Females	\$386,150	9.66%	21.14%	\$845,293	-\$459,143	0.46	not significant
Hispanic American Males	\$777,947	19.46%	32.38%	\$1,294,592	-\$516,645	0.60	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.00%	\$0	\$0	----	----
Caucasian Females	\$215,583	5.39%	8.57%	\$342,686	-\$127,103	0.63	< .05 *
Non-Minority Males	\$2,430,799	60.80%	13.52%	\$540,683	\$1,890,116	4.50	< .05 †
TOTAL	\$3,998,006	100.00%	100.00%	\$3,998,006			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$558,677	13.97%	31.43%	\$1,256,516	-\$697,839	0.44	not significant
Minority Males	\$792,947	19.83%	46.48%	\$1,858,121	-\$1,065,174	0.43	< .05 *
Caucasian Females	\$215,583	5.39%	8.57%	\$342,686	-\$127,103	0.63	< .05 *
Non-Minority Males	\$2,430,799	60.80%	13.52%	\$540,683	\$1,890,116	4.50	< .05 †
TOTAL	\$3,998,006	100.00%	100.00%	\$3,998,006			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$1,351,624	33.81%	77.90%	\$3,114,637	-\$1,763,013	0.43	< .05 *
Women Business Enterprises	\$215,583	5.39%	8.57%	\$342,686	-\$127,103	0.63	< .05 *
Minority and Women Business Enterprises	\$1,567,207	39.20%	86.48%	\$3,457,323	-\$1,890,116	0.45	< .05 *
Non-Minority Male Business Enterprises	\$2,430,799	60.80%	13.52%	\$540,683	\$1,890,116	4.50	< .05 †

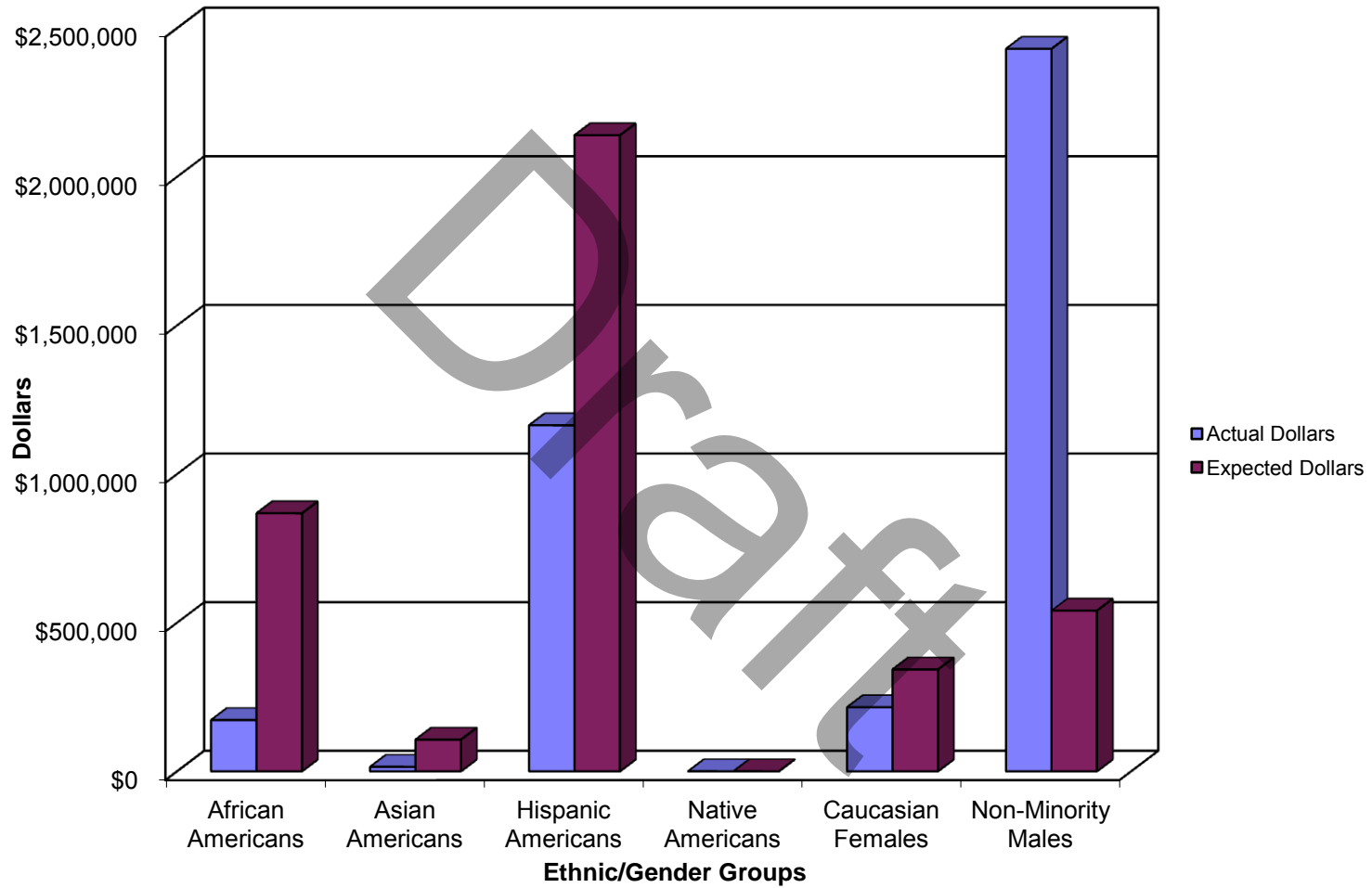
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.09: Disparity Analysis: Professional Services Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**



5. Goods and Other Services Prime Contracts Under \$250,000

The disparity analysis of goods and other services prime contracts under \$250,000 is described below and depicted in Table 9.11 and Chart 9.10.

African Americans represent 15.82 percent of the available goods and other services businesses and received 10.07 percent of the dollars for the goods and other services prime contracts under \$250,000. This underutilization is statistically significant.

Asian Americans represent 1.38 percent of the available goods and other services businesses and received 1.79 percent of the dollars for goods and other services prime contracts under \$250,000. This study does not test statistically the overutilization of minority group.

Hispanic Americans represent 41.13 percent of the available goods and other services businesses and received 17.26 percent of the dollars for goods and other services prime contracts under \$250,000. This underutilization is statistically significant.

Native Americans represent 0.14 percent of the available goods and other services businesses and received none of the dollars for goods and other services prime contracts under \$250,000. While this group was underutilized, there were too few available firms to determine statistical significance.

Minority Business Enterprises represent 58.46 percent of the available goods and other services businesses and received 29.11 percent of the dollars for goods and other services prime contracts under \$250,000. This underutilization is statistically significant.

Women Business Enterprises represent 7.29 percent of the available goods and other services businesses and received 8.55 percent of the dollars for goods and other services prime contracts under \$250,000. This study does not test statistically the overutilization of minority group.

Minority and Women Business Enterprises represent 65.75 percent of available goods and other services businesses and received 37.66 percent of the dollars for goods and other services prime contracts under \$250,000. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 34.25 percent of the available goods and other services businesses and received 62.34 percent of the dollars for goods and other services prime contracts under \$250,000. This overutilization is statistically significant.



**Table 9.11: Disparity Analysis: Goods and Other Services Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$4,827,247	10.07%	15.82%	\$7,584,609	-\$2,757,362	0.64	< .05 *
Asian Americans	\$857,593	1.79%	1.38%	\$659,531	\$198,062	1.30	**
Hispanic Americans	\$8,274,791	17.26%	41.13%	\$19,719,983	-\$11,445,192	0.42	< .05 *
Native Americans	\$0	0.00%	0.14%	\$65,953	-\$65,953	0.00	----
Caucasian Females	\$4,098,961	8.55%	7.29%	\$3,495,515	\$603,446	1.17	**
Non-Minority Males	\$29,889,326	62.34%	34.25%	\$16,422,327	\$13,466,999	1.82	< .05 †
TOTAL	\$47,947,918	100.00%	100.00%	\$47,947,918			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$347,784	0.73%	5.50%	\$2,638,125	-\$2,290,341	0.13	< .05 *
African American Males	\$4,479,463	9.34%	10.32%	\$4,946,484	-\$467,021	0.91	not significant
Asian American Females	\$3,925	0.01%	0.28%	\$131,906	-\$127,981	0.03	----
Asian American Males	\$853,668	1.78%	1.10%	\$527,625	\$326,043	1.62	**
Hispanic American Females	\$1,152,098	2.40%	12.38%	\$5,935,781	-\$4,783,683	0.19	< .05 *
Hispanic American Males	\$7,122,693	14.86%	28.75%	\$13,784,202	-\$6,661,509	0.52	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.14%	\$65,953	-\$65,953	0.00	----
Caucasian Females	\$4,098,961	8.55%	7.29%	\$3,495,515	\$603,446	1.17	**
Non-Minority Males	\$29,889,326	62.34%	34.25%	\$16,422,327	\$13,466,999	1.82	< .05 †
TOTAL	\$47,947,918	100.00%	100.00%	\$47,947,918			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$1,503,806	3.14%	18.16%	\$8,705,812	-\$7,202,005	0.17	< .05 *
Minority Males	\$12,455,825	25.98%	40.30%	\$19,324,264	-\$6,868,440	0.64	< .05 *
Caucasian Females	\$4,098,961	8.55%	7.29%	\$3,495,515	\$603,446	1.17	**
Non-Minority Males	\$29,889,326	62.34%	34.25%	\$16,422,327	\$13,466,999	1.82	< .05 †
TOTAL	\$47,947,918	100.00%	100.00%	\$47,947,918			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$13,959,631	29.11%	58.46%	\$28,030,076	-\$14,070,445	0.50	< .05 *
Women Business Enterprises	\$4,098,961	8.55%	7.29%	\$3,495,515	\$603,446	1.17	**
Minority and Women Business Enterprises	\$18,058,592	37.66%	65.75%	\$31,525,591	-\$13,466,999	0.57	< .05 *
Non-Minority Male Business Enterprises	\$29,889,326	62.34%	34.25%	\$16,422,327	\$13,466,999	1.82	< .05 †

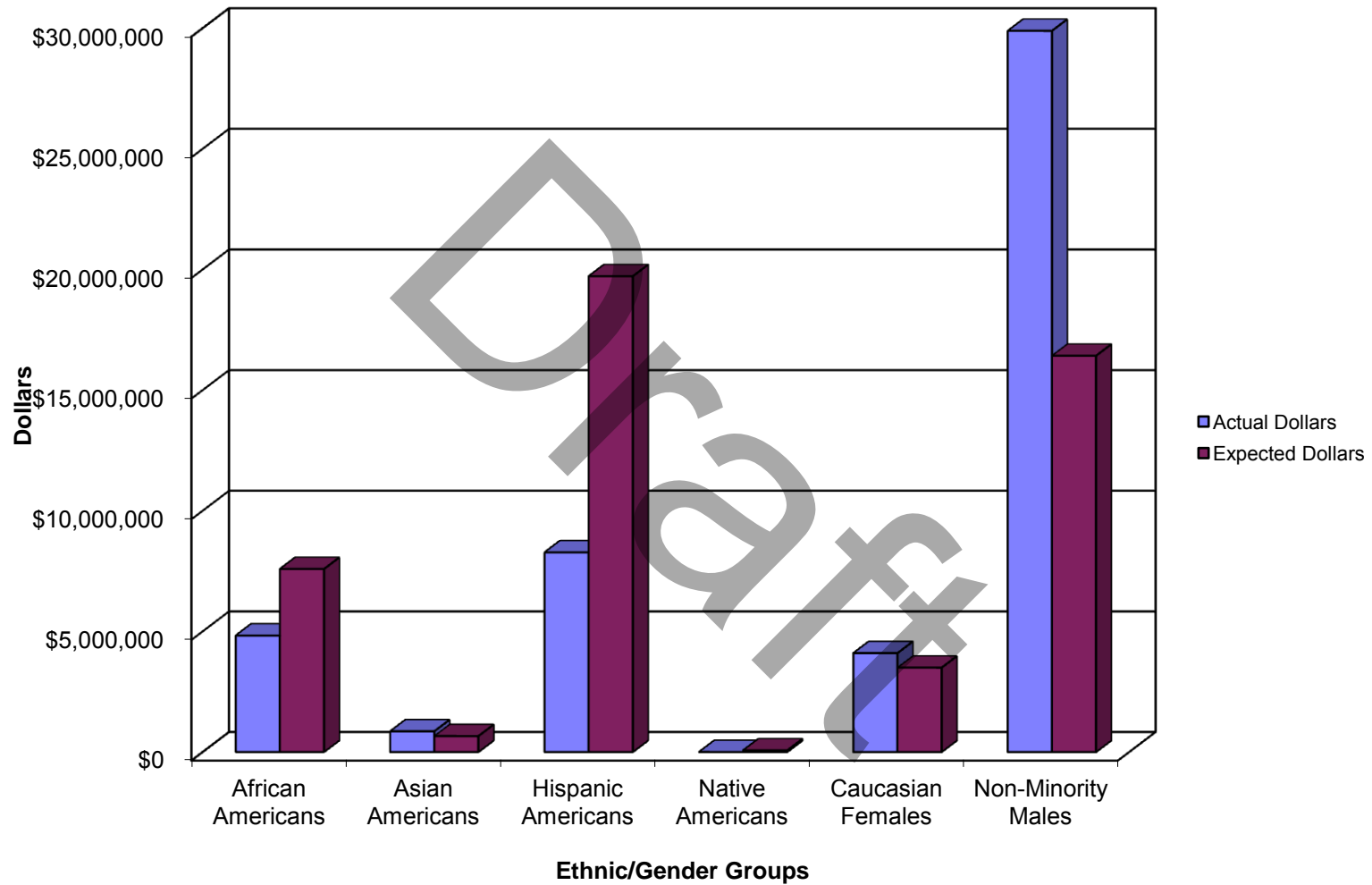
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.10: Disparity Analysis: Goods and Other Services Prime Contracts Under \$250,000,
January 1, 2007 to December 31, 2011**



*Mason Tillman Associates, Ltd. June 2014
Miami Dade County Disparity Study Report*

D. Disparity Analysis: All Industries Prime Informal Contracts, by Industry

1. Goods and Other Services Prime Contracts Under \$25,000

The disparity analysis of goods and other services prime contracts under \$25,000 is described below and depicted in Table 9.12 and Chart 9.11.

African Americans represent 15.82 percent of the available goods and other services businesses and received 5.89 percent of the dollars for the goods and other services prime contracts in under \$25,000. This underutilization is statistically significant.

Asian Americans represent 1.38 percent of the available goods and other services businesses and received 0.23 percent of the dollars for goods and other services prime contracts in under \$25,000. This underutilization is statistically significant.

Hispanic Americans represent 41.13 percent of the available goods and other services businesses and received 19.41 percent of the dollars for goods and other services prime contracts in under \$25,000. This underutilization is statistically significant.

Native Americans represent 0.14 percent of the available goods and other services businesses and received none of the dollars for goods and other services prime contracts in under \$25,000. While this group was underutilized, there were too few available firms to determine statistical significance.

Minority Business Enterprises represent 58.46 percent of the available goods and other services businesses and received 25.53 percent of the dollars for goods and other services prime contracts in under \$25,000. This underutilization is statistically significant.

Women Business Enterprises represent 7.29 percent of the available goods and other services businesses and received 7.45 percent of the dollars for goods and other services prime contracts in under \$25,000. This study does not test statistically the overutilization of minority group.

Minority and Women Business Enterprises represent 65.75 percent of available goods and other services businesses and received 32.98 percent of the dollars for goods and other services prime contracts in under \$25,000. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 34.25 percent of the available goods and other services businesses and received 67.02 percent of the dollars for goods and other services prime contracts in under \$25,000. This overutilization is statistically significant.



**Table 9.12: Disparity Analysis: Goods and Other Services Prime Contracts Under \$25,000,
January 1, 2007 to December 31, 2011**

Ethnicity	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African Americans	\$423,603	5.89%	15.82%	\$1,137,119	-\$713,516	0.37	< .05 *
Asian Americans	\$16,806	0.23%	1.38%	\$98,880	-\$82,074	0.17	< .05 *
Hispanic Americans	\$1,394,993	19.41%	41.13%	\$2,956,508	-\$1,561,516	0.47	< .05 *
Native Americans	\$0	0.00%	0.14%	\$9,888	-\$9,888	0.00	----
Caucasian Females	\$535,679	7.45%	7.29%	\$524,063	\$11,616	1.02	**
Non-Minority Males	\$4,817,486	67.02%	34.25%	\$2,462,109	\$2,355,377	1.96	< .05 †
TOTAL	\$7,188,567	100.00%	100.00%	\$7,188,567			
Ethnicity and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
African American Females	\$122,021	1.70%	5.50%	\$395,520	-\$273,499	0.31	< .05 *
African American Males	\$301,582	4.20%	10.32%	\$741,599	-\$440,017	0.41	< .05 *
Asian American Females	\$3,925	0.05%	0.28%	\$19,776	-\$15,851	0.20	----
Asian American Males	\$12,881	0.18%	1.10%	\$79,104	-\$66,223	0.16	< .05 *
Hispanic American Females	\$259,045	3.60%	12.38%	\$889,919	-\$630,874	0.29	< .05 *
Hispanic American Males	\$1,135,948	15.80%	28.75%	\$2,066,589	-\$930,642	0.55	< .05 *
Native American Females	\$0	0.00%	0.00%	\$0	\$0	----	----
Native American Males	\$0	0.00%	0.14%	\$9,888	-\$9,888	0.00	----
Caucasian Females	\$535,679	7.45%	7.29%	\$524,063	\$11,616	1.02	**
Non-Minority Males	\$4,817,486	67.02%	34.25%	\$2,462,109	\$2,355,377	1.96	< .05 †
TOTAL	\$7,188,567	100.00%	100.00%	\$7,188,567			
Minority and Gender	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Females	\$384,991	5.36%	18.16%	\$1,305,214	-\$920,224	0.29	< .05 *
Minority Males	\$1,450,411	20.18%	40.30%	\$2,897,180	-\$1,446,770	0.50	< .05 *
Caucasian Females	\$535,679	7.45%	7.29%	\$524,063	\$11,616	1.02	**
Non-Minority Males	\$4,817,486	67.02%	34.25%	\$2,462,109	\$2,355,377	1.96	< .05 †
TOTAL	\$7,188,567	100.00%	100.00%	\$7,188,567			
Minority and Females	Actual Dollars	Utilization	Availability	Expected Dollars	Dollars Lost	Disp. Ratio	P-Value
Minority Business Enterprises	\$1,835,402	25.53%	58.46%	\$4,202,395	-\$2,366,993	0.44	< .05 *
Women Business Enterprises	\$535,679	7.45%	7.29%	\$524,063	\$11,616	1.02	**
Minority and Women Business Enterprises	\$2,371,081	32.98%	65.75%	\$4,726,458	-\$2,355,377	0.50	< .05 *
Non-Minority Male Business Enterprises	\$4,817,486	67.02%	34.25%	\$2,462,109	\$2,355,377	1.96	< .05 †

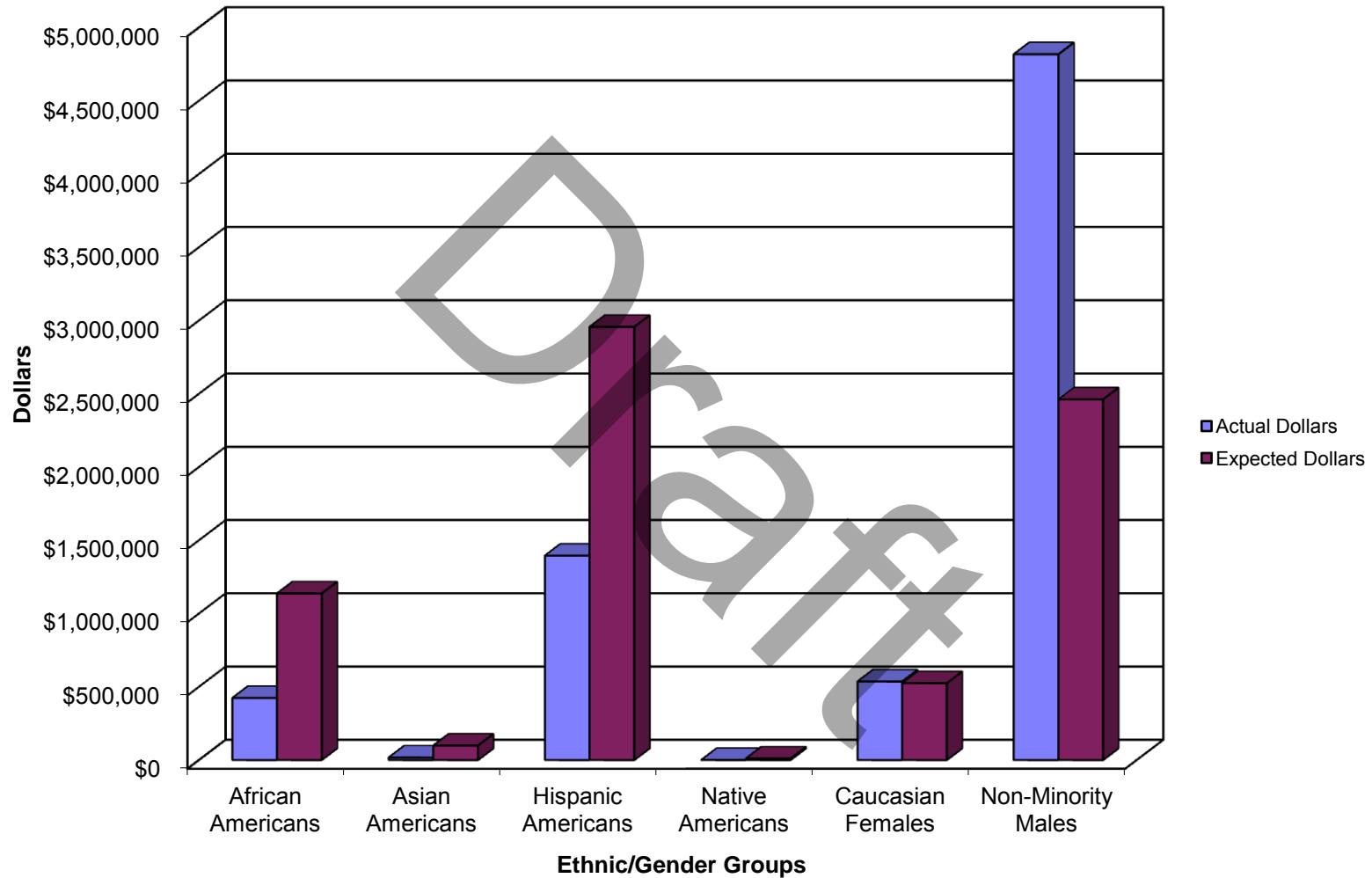
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 9.11: Disparity Analysis: Goods and Other Services Prime Contracts Under \$25,000,
January 1, 2007 to December 31, 2011**



*Mason Tillman Associates, Ltd. June 2014
Miami Dade County Disparity Study Report*

II. DISPARITY ANALYSIS SUMMARY

A. All Industries Prime Contracts

As indicated in Table 9.13 disparity found for African Americans, Asian Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises prime contractors for all contracts. Disparity was found for Asian Americans and Women Business Enterprises prime contracts at the formal contract level.

**Table 9.13: Disparity Summary: All Industries Prime Contract Dollars,
January 1, 2007 to December 31, 2011**

Ethnicity/Gender	All Industries	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Underutilization
Asian Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization



B. Construction Prime Contracts

As indicated in Table 9.14 below, disparity was found for African Americans, Asian Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises construction prime contractors for all contracts. Disparity was found for Asian Americans and Women Business Enterprises construction prime contractors at the formal contract level.

**Table 9.14: Disparity Summary: Construction Prime Contract Dollars,
January 1, 2007 to December 31, 2011**

Ethnicity/Gender	Construction	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Underutilization
Asian Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Overutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization



C. Architecture and Engineering Prime Contracts

As indicated in Table 9.15 below, disparity was found for African Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises architecture and engineering prime contractors for all contracts. Disparity was found for African Americans, Women Business Enterprises, and Minority and Women Business Enterprises architecture and engineering prime contractors at the formal contract level.

Table 9.15: Disparity Summary: Architecture and Engineering Prime Contract Dollars, January 1, 2007 to December 31, 2011

Ethnicity/Gender	Architecture and Engineering	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Underutilization	Underutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization

(----) denotes an underutilized group with too few available firms to test statistical significance



D. Professional Services Prime Contracts

As indicated in Table 9.16 below, disparity was found for African Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises professional services prime contractors for all contracts. Disparity was found for African Americans, Hispanic Americans, Minority Business Enterprises, Women Business Enterprises, and Minority and Women Business Enterprises professional services prime contractors at the formal contract level.

Table 9.16: Disparity Summary: Professional Services Prime Contract Dollars, January 1, 2007 to December 31, 2011

Ethnicity/Gender	Professional Services	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Overutilization	Underutilization
Hispanic Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization

(----) denotes an underutilized group with too few available firms to test statistical significance



E. Goods and Other Services Prime Contracts

As indicated in Table 9.17 below, disparity was found for African Americans, Asian Americans, Hispanic Americans, Minority Business Enterprises, and Minority and Women Business Enterprises goods and other services prime contractors for all contracts. Disparity was found for African Americans, Hispanic Americans, Minority Business Enterprises, and Minority and Women Business Enterprises goods and other services prime contractors at the formal contract level. Disparity was found for African Americans, Asian Americans, Hispanic Americans, Minority Business Enterprises, and Minority and Women Business Enterprises goods and other services prime contractors at the informal contract level.

Table 9.17: Disparity Summary: Goods and Other Services Prime Contract Dollars, January 1, 2007 to December 31, 2011

Ethnicity/Gender	Goods and Other Services		
	All Contracts	Contracts under \$250,000	Contracts \$25,000 and under
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Statistically Significant Underutilization	Overutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Native Americans	---	---	---
Minority Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Women Business Enterprises	Overutilization	Overutilization	Overutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization

(----) denotes an underutilized group with too few available firms to test statistical significance



CHAPTER 10: SUBCONTRACTOR DISPARITY ANALYSIS

I. INTRODUCTION

The objective of this chapter is to determine whether the portion of contracts awarded to Minority and Women Business Enterprise (M/WBE) subcontractors was at parity with the ethnic and gender groups' availability. A test of statistical significance was applied to the groups that had a disparity between their utilization and availability.

Under a fair and equitable system of awarding subcontracts, the proportion of subcontracts and subcontract dollars awarded to M/WBEs should be relatively close to the proportion of available M/WBEs in the relevant market area. Availability is defined as the number of willing and able businesses. The methodology for determining willing and able businesses is detailed in *Chapter 6: Prime and Subcontractor Availability Analysis*.

If the ratio of utilized M/WBE subcontractors to available M/WBE subcontractors is less than one, a statistical test is conducted to calculate the probability of observing the empirical disparity ratio or any event which is less probable.⁸⁶ *Croson* states that an inference of discrimination can be made *prima facie* if the disparity is statistically significant. Under the *Croson* model, Non-Minority Male Business Enterprises are not subjected to a statistical test.

⁸⁶ When conducting statistical tests, a confidence level must be established as a gauge for the level of certainty that an observed occurrence is not due to chance. It is important to note that a 100 percent confidence level, or a level of absolute certainty, can never be obtained in statistics. A 95 percent confidence level is considered by statistical standards to be an acceptable level in determining whether an inference of discrimination can be made. Thus, the data analyzed here was done within the 95 percent confidence level.



II. DISPARITY ANALYSIS

As detailed in *Chapter 4: Subcontractor Utilization Analysis*, extensive efforts were undertaken to obtain subcontractor records for Miami-Dade County's construction, architecture and engineering, professional services, and goods and other services contracts. The disparity analysis was performed on subcontracts issued between January 1, 2007 and December 31, 2011.

The disparity analysis determined the statistical significance of the underutilization of M/WBE subcontractors by the number of contracts awarded to each ethnic and gender group. There were 429 construction, architecture and engineering and professional services subcontracts with payment or award data and 2,413 subcontracts without either award, or payment amounts. Despite an extensive and protracted research effort, neither payment, nor award data could be secured for 2,413 subcontracts. Therefore, the disparity findings are calculated on the 2,842 subcontracts awarded.

There was also an insufficient number of architecture and engineering and professional services subcontracts to perform a separate analysis for each industry. Thus, the contracts awarded in these two industries were combined in order to have sufficient power to perform a test of the statistical significance of the disparity observed in each industry. The combined industries are referred to as professional services. The disparity findings are presented by industry, ethnicity, and gender.

Croson did not apply the strict security standard to Women Business Enterprises (WBE). Therefore, findings of WBE underutilization are only subject to intermediate scrutiny. In this chapter, the strict scrutiny standard is also applied in the analysis of the underutilization of WBEs. However, the gender-conscious remedies set forth in *Chapter 11: Recommendations* are applied to WBEs in each industry where the gender group is simply underutilized.



III. DISPARITY ANALYSIS: ALL SUBCONTRACTS, BY INDUSTRY

The subcontract disparity findings for the two industries under consideration are summarized in the disparity tables. The outcomes of the statistical analyses are presented in the “P-Value” column of the tables. There are ethnic groups for which the statistical test could not be performed due to too few available firms. A description of the statistical outcomes that are presented in the disparity tables is set forth in Table 10.01.

Table 10.01: Statistical Outcome Descriptions

P-Value Outcome	Definition of P-Value Outcome
< .05 *	The underutilization is statistically significant.
not significant	The analysis is not statistically significant.
----	There are too few available firms to test statistical significance.
**	The statistical test is not performed for the overutilization of DBEs or the underutilization of Non-Minority Males.
< .05 †	The overutilization is statistically significant.
^	Denotes an underutilized group where there are too available businesses and total contracts to produce a reliable finding.



A. Construction Subcontracts

The disparity analysis of construction subcontracts is described below and depicted in Table 10.02 and Chart 10.01.

African American Businesses represent 13.06 percent of the available construction businesses and received 2.76 percent of construction subcontracts. This underutilization is statistically significant.

Asian American Businesses represent 0.93 percent of the available construction businesses and received 0.24 percent of construction subcontracts. While this group was underutilized, there were too few available firms to determine the statistical significance.

Hispanic American Businesses represent 60.95 percent of the available construction businesses and received 35.28 percent of construction subcontracts. This underutilization is statistically significant.

Native American Businesses represent 0.12 percent of the available construction businesses and received 0.08 percent of construction subcontracts. While this group was underutilized, there were too few available firms to determine the statistical significance.

Minority Business Enterprises represent 75.06 percent of the available construction businesses and received 38.36 percent of construction subcontracts. This underutilization is statistically significant.

Women Business Enterprises represent 3.4 percent of the available construction businesses and received 2.68 percent of construction subcontracts. This underutilization is not statistically significant.

Minority and Women Business Enterprises represent 78.47 percent of the available construction businesses and received 41.04 percent of construction subcontracts. This underutilization is statistically significant.

Non-Minority Male Business Enterprises represent 21.53 percent of the available construction businesses and received 58.96 percent of construction subcontracts. This overutilization is statistically significant.



Table 10.02: Disparity Analysis: Construction Subcontracts
January 1, 2007 to December 31, 2011

Ethnicity	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
African Americans	68	2.76%	13.06%	322	0.21	< .05 *
Asian Americans	6	0.24%	0.93%	23	0.26	----
Hispanic Americans	870	35.28%	60.95%	1,503	0.58	< .05 *
Native Americans	2	0.08%	0.12%	3	0.66	----
Caucasian Females	66	2.68%	3.40%	84	0.79	not significant
Non-Minority Males	1,454	58.96%	21.53%	531	2.74	< .05 †
TOTAL	2,466	100.00%	100.00%	2,466		
Ethnicity and Gender	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
African American Females	10	0.41%	2.29%	56	0.18	< .05 *
African American Males	58	2.35%	10.77%	266	0.22	< .05 *
Asian American Females	3	0.12%	0.37%	9	0.33	----
Asian American Males	3	0.12%	0.56%	14	0.22	----
Hispanic American Females	130	5.27%	13.68%	337	0.39	< .05 *
Hispanic American Males	740	30.01%	47.28%	1,166	0.63	< .05 *
Native American Females	0	0.00%	0.00%	-	----	----
Native American Males	2	0.08%	0.12%	3	0.66	----
Caucasian Females	66	2.68%	3.40%	84	0.79	not significant
Non-Minority Males	1,454	58.96%	21.53%	531	2.74	< .05 †
TOTAL	2,466	100.00%	100.00%	2,466		
Minority and Gender	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
Minority Females	143	5.80%	16.34%	403	0.35	< .05 *
Minority Males	803	32.56%	58.73%	1,448	0.55	< .05 *
Caucasian Females	66	2.68%	3.40%	84	0.79	not significant
Non-Minority Males	1,454	58.96%	21.53%	531	2.74	< .05 †
TOTAL	2,466	100.00%	100.00%	2,466		
Minority and Females	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
Minority Business Enterprises	946	38.36%	75.06%	1,851	0.51	< .05 *
Women Business Enterprises	66	2.68%	3.40%	84	0.79	not significant
Minority and Women Business Enterprises	1,012	41.04%	78.47%	1,935	0.52	< .05 *
Non-Minority Male Business Enterprises	1,454	58.96%	21.53%	531	2.74	< .05 †

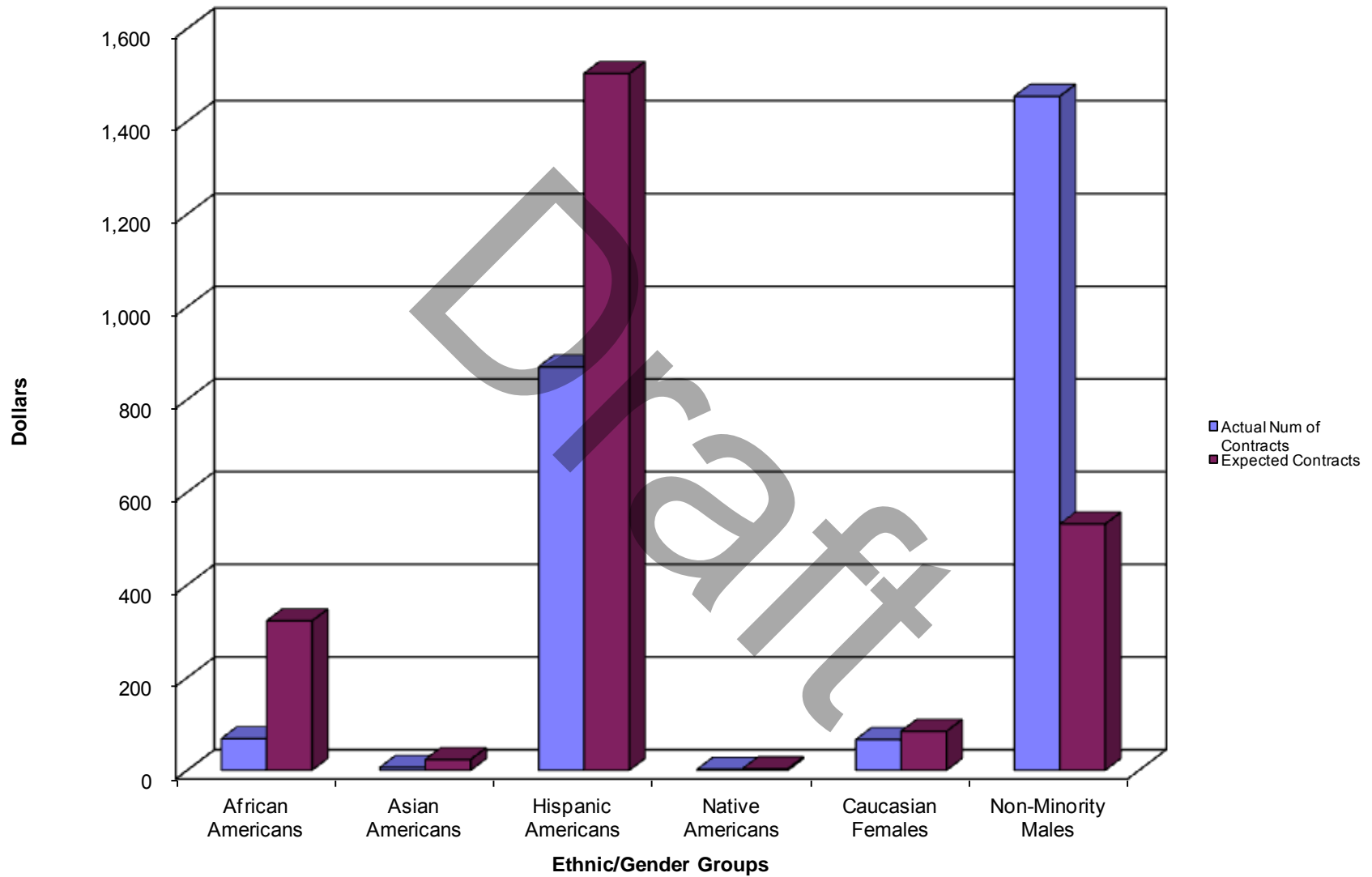
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) denotes that this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

Chart 10.01: Disparity Analysis: Construction Subcontracts
January 1, 2007 to December 31, 2011



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B. Professional Services Subcontracts

The disparity analysis of professional services subcontracts is described below and depicted in 10.03 and Chart 10.02.

African American Businesses represent 14.25 percent of the available professional services businesses and received 7.18 percent of professional services subcontracts. This underutilization is statistically significant.

Asian American Businesses represent 3.26 of the available professional services businesses and received 3.72 percent of professional services subcontracts. This study does not test statistically the overutilization of minority groups.

Hispanic American Businesses represent 54.66 percent of the available professional services businesses and received 51.6 percent of professional services subcontracts. This underutilization is not statistically significant.

Native American Businesses represent 0.09 percent of the available professional services businesses and received 0.53 percent of professional services subcontracts. This study does not test statistically the overutilization of minority groups.

Minority Business Enterprises represent 72.25 percent of the available professional services businesses and received 63.03 percent of professional services subcontracts. This underutilization is not statistically significant.

Women Business Enterprises represent 7.26 percent of the professional services businesses and received 6.65 percent of professional services subcontracts. This underutilization is not statistically significant.

Minority and Women Business Enterprises represent 79.52 percent of the available professional services businesses and received 69.68 percent of professional services subcontracts. This underutilization is not statistically significant.

Non-Minority Male Business Enterprises represent 20.48 percent of the available professional services businesses and received 30.32 percent of professional services subcontracts. This overutilization is statistically significant.



Table 10.03: Disparity Analysis: Professional Services Subcontracts
January 1, 2007 to December 31, 2011

Ethnicity	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
African Americans	27	7.18%	14.25%	54	0.50	< .05 *
Asian Americans	14	3.72%	3.26%	12	1.14	**
Hispanic Americans	194	51.60%	54.66%	206	0.94	not significant
Native Americans	2	0.53%	0.09%	0	5.71	**
Caucasian Females	25	6.65%	7.26%	27	0.92	not significant
Non-Minority Males	114	30.32%	20.48%	77	1.48	< .05 †
TOTAL	376	100.00%	100.00%	376		
Ethnicity and Gender	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
African American Females	6	1.60%	4.93%	19	0.32	< .05 *
African American Males	21	5.59%	9.31%	35	0.60	not significant
Asian American Females	6	1.60%	1.02%	4	1.56	**
Asian American Males	8	2.13%	2.23%	8	0.95	not significant
Hispanic American Females	67	17.82%	17.04%	64	1.05	**
Hispanic American Males	127	33.78%	37.62%	141	0.90	not significant
Native American Females	0	0.00%	0.00%	-	----	----
Native American Males	2	0.53%	0.09%	0	5.71	**
Caucasian Females	25	6.65%	7.26%	27	0.92	not significant
Non-Minority Males	114	30.32%	20.48%	77	1.48	< .05 †
TOTAL	376	100.00%	100.00%	376		
Minority and Gender	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
Minority Females	79	21.01%	23.00%	86	0.91	not significant
Minority Males	158	42.02%	49.26%	185	0.85	not significant
Caucasian Females	25	6.65%	7.26%	27	0.92	not significant
Non-Minority Males	114	30.32%	20.48%	77	1.48	< .05 †
TOTAL	376	100.00%	100.00%	376		
Minority and Females	Actual Number of Contracts	Utilization	Availability	Expected Contracts	Disp. Ratio	P-Value
Minority Business Enterprises	237	63.03%	72.25%	272	0.87	not significant
Women Business Enterprises	25	6.65%	7.26%	27	0.92	not significant
Minority and Women Business Enterprises	262	69.68%	79.52%	299	0.88	not significant
Non-Minority Male Business Enterprises	114	30.32%	20.48%	77	1.48	< .05 †

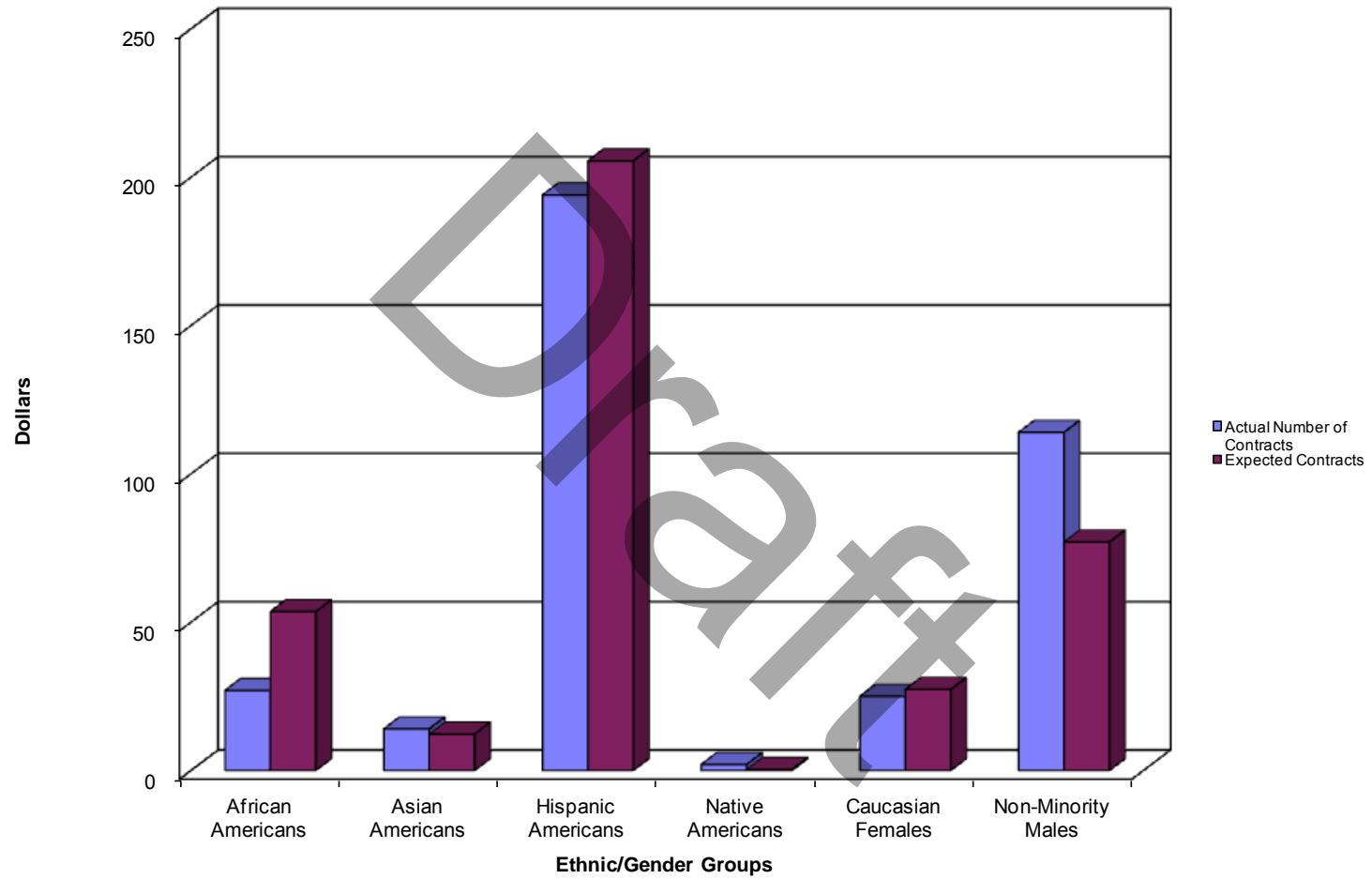
(*) denotes a statistically significant underutilization.

(†) denotes a statistically significant overutilization.

(**) denotes that this study does not test statistically the overutilization of M/WBEs or the underutilization of non-minority males.

(----) denotes an underutilized group with too few available firms to test statistical significance.

**Chart 10.02: Disparity Analysis: Professional Services Subcontracts,
January 1, 2007 to December 31, 2011**



IV. SUBCONTRACTOR DISPARITY SUMMARY

As indicated in Table 10.04 below, disparity was found for African American, Hispanic American, Minority Business Enterprise, and Minority and Women Business Enterprise construction subcontractors.

Disparity was also found for African American professional services subcontractors.

**Table 10.04: Subcontractor Disparity Summary,
January 1, 2007 to December 31, 2011**

Ethnicity / Gender	Construction	Professional Services
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	----	Overutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	Overutilization
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Underutilization	Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization

(----) There were insufficient records to determine statistical disparity.



CHAPTER 11:

RECOMMENDATIONS

I. INTRODUCTION

This chapter provides race and gender-conscious and race and gender-neutral recommendations resulting from the Miami-Dade County Comprehensive Disparity Study (Disparity Study). The race and gender-conscious recommendations are based on the analysis of the statistical significance of underutilized ethnic and gender groups. The race and gender-neutral recommendation are based on a review of Miami-Dade County's (County) procurement procedures and practices, interviews with business owners and County managers, and best management practices of other government agencies. The statistical analysis examined the award of construction, architecture and engineering, professional services, and goods and other services prime contracts for the study period of January 1, 2007 to December 31, 2011. An analysis was also done for subcontracts awarded by the County's prime contractors in three industries (construction, professional services, and architecture and engineering) during the same study period.

This chapter is organized into four sections. Section one is the *Introduction*. Section two describes the statistical results of the *Disparity Findings*. Section three is a review of the County's Small Business Enterprise (SBE) Program. Section four presents the *Race and Gender-Conscious Recommendations* and Section five presents the *Race and Gender-Neutral Program Recommendations*. Quotes from the anecdotal accounts are included where relevant in the recommendations.



II. DISPARITY FINDINGS

A. Prime Contracts

1. Construction

A disparity was found for African American, Asian American, Hispanic American, Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Minority and Women Business Enterprise (M/WBE) prime contractors on all construction prime contracts. A disparity was also found for Asian American and WBE construction prime contracts under \$250,000 as indicated in Table 11.01.

**Table 11.01: Disparity Summary: Construction Prime Contract Dollars,
January 1, 2007 to December 31, 2011**

Ethnicity/Gender	Construction	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Underutilization
Asian Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Overutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilized	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization



2. Architecture and Engineering

A disparity was found for African Americans, Hispanic Americans, MBEs, WBEs, and M/WBEs for all architecture and engineering prime contracts. A disparity was also found for African American, WBE, and M/WBE architecture and engineering prime contractors at the formal contract level, as described below in Table 11.02.

Table 11.02: Disparity Summary: Architecture and Engineering Prime Contract Dollars, January 1, 2007 to December 31, 2011

Ethnicity/Gender	Architecture and Engineering	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Underutilization	Underutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization

(----) denotes an underutilized group with too few available firms to test statistical significance.



3. Professional Services

A disparity was found for African Americans, Hispanic Americans, MBEs, WBEs, and M/WBEs for all professional services contracts. A disparity was also found for African American, Hispanic American, MBE, WBE, and M/WBE professional services prime contractors at the formal contract level, as described below in Table 11.03.

Table 11.03: Disparity Summary: Professional Services Prime Contract Dollars, January 1, 2007 to December 31, 2011

Ethnicity/Gender	Professional Services	
	All Contracts	Contracts under \$250,000
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Overutilization	Underutilization
Hispanic Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Native Americans	----	----
Minority Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization

(----) denotes an underutilized group with too few available firms to test statistical significance.



4. Goods and Other Services

A disparity was found for African American, Asian American, Hispanic American, MBE, and M/WBE prime contractors for all goods and other services prime contracts. A disparity was also found for African American, Hispanic American, MBE, and M/WBE goods and other services prime contracts at the formal contract level. In addition, a disparity was found for African American, Asian American, Hispanic American, MBE, and M/WBE goods and other services prime contracts at the informal contract level, as described in Table 11.04 below.

Table 11.04: Disparity Summary: Goods and Other Services
Prime Contract Dollars,
January 1, 2007 to December 31, 2011

Ethnicity/Gender	Goods and Other Services		
	All Contracts	Contracts under \$250,000	Contracts \$25,000 and under
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	Statistically Significant Underutilization	Overutilization	Statistically Significant Underutilization
Hispanic Americans	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Native Americans	---	---	---
Minority Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization
Women Business Enterprises	Overutilization	Overutilization	Overutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Statistically Significant Underutilization	Statistically Significant Underutilization

(---) denotes an underutilized group with too few available firms to test statistical significance.



B. Subcontracts

A disparity was found for African American, Hispanic American, MBE, and M/WBE construction subcontracts. A disparity was also found for African American professional services subcontracts, as described in Table 11.05 below.

**Table 11.05: Subcontractor Disparity Summary,
January 1, 2007 to December 31, 2011**

Ethnicity / Gender	Construction	Professional Services
African Americans	Statistically Significant Underutilization	Statistically Significant Underutilization
Asian Americans	----	Overutilization
Hispanic Americans	Statistically Significant Underutilization	Underutilization
Native Americans	----	Overutilization
Minority Business Enterprises	Statistically Significant Underutilization	Underutilization
Women Business Enterprises	Underutilization	Underutilization
Minority and Women Business Enterprises	Statistically Significant Underutilization	Underutilization

(----) There were insufficient records to determine statistical disparity.



III. REVIEW OF THE COUNTY'S SMALL BUSINESS ENTERPRISE PROGRAMS

A. Small Business Enterprise Program

The SBE Program was established under Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Amendment.⁸⁷ The Small Business Development (SBD) office oversees the Program and works with user departments to define their contract measures including set-asides, subcontract goals, bid preferences, and selection factors, to ensure that not less than 10 percent of the County's total annual contract expenditures are awarded to program participants.

1. Eligibility Requirements

The SBE Program applies to all County contracts for the purchase of goods and contractual services, including professional services, other than architectural or engineering services. The Program incorporates two business sectors: Micro Enterprises and SBEs (Micro/SBEs). Micro/SBEs must be licensed, for-profit entities with a physical location in the County. The business must have a three-year average gross revenue that does not exceed \$2,000,000 for Micro Enterprises and \$5,000,000 for SBEs. SBEs also include manufacturers with 100 or fewer employees, or wholesalers with 50 or fewer employees, without regard to gross revenues. The business must be established for at least one year. Each business is certified by the type of goods and/or services provided in accordance with the applicable Standard Industry Classification or North American Industry Classification System (SIC/NAICS) category, or NIGP commodity code, in which the business is licensed. Certification is valid for a three-year period.

2. Program Application

A minimum of 10 percent of the total value of contracts for \$50,000 or less must be awarded to Micro Enterprises. An automatic 10 percent bid preference is applied to bids or quotes submitted by Micro Enterprises. County departments are required to solicit bids or quotes from at least four businesses: two certified Micro Enterprises, and two non-certified businesses.

Contracts valued at more than \$50,000 must be reviewed for the application of contract measures. County departments must submit contracts to SBD for review prior to advertisement and work in conjunction with SBD in making recommendations for awards. Table 11.06 presents the number of contracts valued under \$50,000 during the study period.

⁸⁷ Charter and Section 2-8.1.1.1.1 of the Code of Miami-Dade County as set forth in Implementing Order 3-41 dated May 3, 2011, and effective May 13, 2011. Implementing Order 3-41 supersedes Administrative Order 3-41, dated April 19, 2005.



Table 11.06: Contracts Under \$50,000 by Industry

Industry	Number of Contracts			Dollar Amount		
	All Contracts	Contracts Under \$50,000	Percent of Contracts	All Contracts	Contracts Under \$50,000	Percent of Dollars
Architecture and Engineering	754	403	53.45%	\$337,014,217.25	\$8,146,196.86	2.42%
Construction	3723	2597	69.76%	\$1,399,556,250.40	\$20,327,584.34	1.45%
Goods and Services	1769	1370	77.44%	\$97,905,320.91	\$13,059,142.21	13.34%
Professional Services	155	125	80.65%	\$8,992,266.15	\$1,280,697.05	14.24%
Total	6401	4495	70.22%	\$1,843,468,054.71	\$42,813,620.46	2.32%

3. Bid Preferences

The County can apply bid preferences on contracts that are awarded on the basis of price and are not set-asides. The preference is used to evaluate the bid, but does not affect the contract price. For contracts valued at \$1 million or less, a bid preference of 10 percent of the price bid can be applied. For contracts valued at greater than \$1 million, bids are afforded a preference of five percent of the price bid.

4. Small Business Enterprise Advisory Board

The Small Business Advisory Board (Board) is charged with the responsibility of counseling Micro/SBEs, and collecting and disseminating information related to economic opportunities with the County. The Board consists of a total of 15 members, including one member appointed by the Mayor, County Commissioner, and County Manager, respectively. Participation as a Board member is limited to four consecutive years.

5. Mentor-Protégé Program

The County established a Mentor-Protégé Program to foster relationships between established prime contractors and Micro/SBEs. The Program is aimed to build the capacity of small businesses in order to duly elevate the businesses from subcontractors to prime contractors.

6. Prompt Payment Provisions

The County requires that all prime contractors, including Micro/SBEs, receive payment within 30 days of receipt of the invoice. Prime contractors are also required to include invoices from Micro/SBEs as part of their billing to the County within 14 calendar days



of receipt of the invoice from the Micro/SBEs. The prime contractor must pay the SBE or Micro Enterprise within two days of receipt of payment from the County.

7. Bonding and Financial Assistance Program

A Bonding and Financial Assistance Program was approved by the Board of County Commission. Micro/SBEs may receive bonding and financial assistance. Applicants are required to complete and submit a Bonding and/or Financial Assistance application. The SDB has established a partnership with bonding agencies and lending institutions to assist Micro/SBEs in obtaining bonding and financial assistance.

8. Modify Intent Affidavit

Prime contractors are required to submit an executed Schedule of Intent Affidavit at bid opening. The Schedule of Intent must identify all SBEs that will be utilized to meet the SBE subcontractor goals, scope of the work, and the commodity code the SBE will perform. The Schedule of Intent Affidavit should include the type of goods and services the SBE is to provide, as well as the percentage and award amount.

B. Community Small Business Enterprise Program

The Community Small Business Enterprise (CSBE) Program is authorized under Section 1.01, 2.02, and 5.02 of the Miami-Dade County Home Rule Amendment and Charter; and Sections 10-33.02 and 10-38 of the Code of Miami-Dade as set forth in Implementing Order 3-22 dated May 3, 2011 and May 13, 2011. Implementing Order 3-22 supersedes Administrative Order 3-22, dated November 30, 2004.

1. Eligibility Requirements

The Community Small Business Enterprise Program (CSBE) is specifically for independent construction companies. CSBEs must be licensed, for-profit businesses with a physical location in the County. A firm can be certified as a CSBE only if the applicant owns at least ten percent, of the business and possesses the licenses necessary to satisfy the qualifying requirements. The business is not eligible to participate if the net worth of any of its owner(s) is more than \$1,500,000.

A CSBE must be certified by the Department of Regulatory and Economic Resources (RER). This certification is used to determine the contracting participation level in which the CSBE will be placed. Placement is based on the average annual gross revenues for the last three years. The contracting participation levels are as follows:



- Level I—three-year average annual gross revenues less than or equal to \$2,000,000
- Level II—three-year average annual gross revenues greater than \$2,000,000, but not exceeding \$5,000,000
- Level III—three-year average annual gross revenues greater than \$5,000,000, but not exceeding \$10,000,000

Each CSBE is certified by the type of construction it performs in accordance with the applicable SIC/NAICS category. A CSBE can be certified using an unlimited number of SIC/NAICS codes and trade categories. The certification is valid for three years.

2. Program Application

Each County department will compile a list of its proposed capital projects, renovations, and major repairs for the fiscal year. Each department forwards the list to SBD for use in the formulating the CSBE goals. Each individual construction contract, purchase, or blanket purchase of services will be reviewed for application of contract set-asides, trade set-asides, aggregate set-asides, or subcontractor goals. SBD prepares standard bid participation provisions, which each department utilizes to meet program goals.

3. Community Workforce Program

Miami-Dade County has established a Community Workforce Program applicable to capital construction contracts valued at \$250,000 or more when the project is located in a Designated Target Area (DTA). The DTA is the geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone. The designation refers to any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area, Community Development Block Grant, Eligible Block Group, or Focus Area. Projects in these areas are subject to a workforce goal as established by SBD, in which the awarded firm is required to obtain a minimum of ten percent of its labor force from the project area.

C. Community Business Enterprise Program

1. Eligibility Requirements

The Community Business Enterprise Program (CBE) applies to contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services. CBEs must be licensed, for-profit businesses with a physical location in the County. The applicant qualifier of the business must have at least a twenty-five percent ownership interest. The CBE's three-year average annual gross revenues must not exceed \$2,000,000 for tier 1 CBEs, \$4,500,000 for tier 2 CBEs in the case of architectural services, or \$6,000,000 for tier 2 CBEs in the case of landscape architectural, engineering or surveying and mapping services. A CBE will graduate out of the Program once it has



exceeded the tier 2 size limits based on its three year average annual gross revenues. As part of the certification process, CBEs must go through a technical certification process, which will be used to determine in which specific technical certification category the CBE will be placed. Certification is valid for a three-year period.

2. Program Application

The departments must compile a list of its proposed capital projects, renovations, and major repairs, and forward the list to SBD for use in CBE goal setting. SBD will notify departments of the recommended agreement set-aside or subconsultant goals for tier 1 and tier 2. Each department shall review anticipated contracts for application of these goals in order to meet program CBE goals.

3. Mentor-Protégé Program

The Mentor-Protégé Program partners established companies with emerging SBEs. The mentors assist the protégés with the development and implementation of a business plan. The objective of the Program is to build the capacity of small businesses and increase their participation in the County's economic development by increasing the protégé's:

- Business capital
- Bonding capacity
- Gross earnings, net earnings, and profit margin
- Credit rating
- Proficiency to secure current and upcoming contracting opportunities
- Ability to achieve the goals set forth in the protégé's business plan

Mentors must have a place of business located in Miami-Dade or Broward County and be approved by SBD. The mentor must also have five years of experience working in its principal industry. The mentor cannot provide mentoring services to more than three protégé firms at one time, but they may mentor one protégé for an unlimited number of times.

A Protégé is a CSBE firm and their participation in the Program cannot exceed two years with only one term as a protégé. The protégé must have been in operation for a minimum of two years and maintain a place of business in the County during its participation in the Program. The CSBE must be solvent, in good legal business standing with the County, State of Florida, and all other local jurisdictions. Protégés must also be solvent and licensed businesses.

4. Prompt Payment

The County prompt payment provisions apply to CSBEs. Prime contractors are required to include invoices from CSBEs as part of its billing to the County within 14 calendar



days of receipt of the invoice from the small business. The prime contractor must pay the CSBE within 2 days of receipt of payment from the County.

5. Bonding and Financial Assistance Program

The Bonding and Financial Assistance Program is also available to CSBEs. Applicants are required to complete and submit a Bonding and/or Financial Assistance application.

IV. RACE AND GENDER-CONSCIOUS RECOMMENDATIONS

The disparity analysis of the County's award of prime contracts and subcontracts documented the fact that two ethnic groups, Hispanic Americans and African Americans, received fewer contracts than expected given their availability in the market area. The percent of willing and able Hispanic American construction subcontractors located in the market area was 60.95 and the percent of African American willing and able market area businesses was 13.06. In contrast, the percent of willing and able Hispanic American professional services subcontractors located in the market area was 52.28 and the African American professional services subcontractors represented 20.95 percent in the market area. In both of these industries, Hispanic American and African American businesses were underutilized at a statistically significant level. According to *Croson*, the statistically significant underutilization of any ethnic group allows a local or state agency to adopt remedies to achieve parity.

Mason Tillman recommends the establishment of a race and gender conscious program. The race-conscious remedies would be applied at the prime and subcontract level, and include the ethnic and gender groups which were underutilized at a statistically significant level.

A. Establish a Race and Gender-Conscious Program

The County has a SBE Program to encourage the utilization of SBEs on their contracts. To address the statistically significant underutilization of Hispanic Americans, African Americans, and women businesses in the award of the County's prime and subcontracts a Race and Gender-Conscious Program should be implemented. The Race and Gender-Conscious Program should include remedies at the prime contract and subcontract level. The prime contract remedies could include incentive credits and bid discounts. The subcontract remedies could include contract specific goals.

"I think they can do a better job with the CSBE Program. An M/WBE program should be reinstated. It was a lot more helpful."



A program should be designed to promote equality of economic opportunities for all ethnic and gender groups to eliminate barriers to their participation in County contracts. To satisfy the intent of the program, the following objectives should be implemented:

- Ensure that contract awards reflect and adhere to the ethnic specific contracting goals
- Actively promote, monitor, and enforce the program's standards

The program should be narrowly tailored to apply only to the ethnic group with a statistically significant disparity.

1. Eligible Standards

• Ethnic Group Definitions

Eligibility should be defined in accordance with the ethnic categories in the United States Department of Commerce Small Business Administration (SBA) standards, as set forth in CFR 124.103. The ethnic categories defined by the SBA are African American, Hispanic American, Asian American, or Native American male or female. The business must be a for-profit enterprise that is 51 percent or more owned and controlled by one or more minority individuals. In addition, the business must be authorized to do business under the laws of the State of Florida.

• Women-Owned Business Definition

A woman-owned business should also be defined in accordance with the SBA standards. The business must be at least 51 percent owned and controlled by one or more women and authorized to do business in the State of Florida.

• Certification Standards

The County should accept ethnic and gender group certifications from one of the following agencies:

- School Board of Miami-Dade County, Office of Economic Opportunity
- State of Florida, Office of Supplier Diversity
- Southern Florida Minority Supplier Development Council

2. Adoption of Race and Gender-Conscious Program Policy

There should be separate remedies for prime and subcontracts based on the statistical findings for each ethnic and gender group. An Implementing Order could be adopted by the County authorizing the enactment of a race and gender-conscious program. The Order could include race and gender based remedies for construction, architecture and



engineering, professional services, and goods and other services prime contracts funded in whole, or partially, by County funds, and a different set of race based remedies for construction, architecture and engineering, and professional service subcontracts.

Although the Disparity Study is limited to the contracts awarded by five County departments – Parks, Recreation and Open Spaces; Public Works and Waste Management; Water and Sewer; Public Housing and Community Development; and Internal Services – the program goals should be applicable to all County departments. The five departments under review are responsible for procuring the majority of goods and services that are within the purview of the industries studied. Thus, the prime and subcontracts represented in this pool is a clear indicator of the County's procurement practices.

The combined five agencies issued a total of 6,552 prime contracts yielding 3,723 for construction, 754 for architecture and engineering, 155 for professional services, and 1,920 for goods and other services contracts during the study period. The prime payments made by the five departments totaled \$1,855,786,851. The payments included \$1,399,556,250 for construction, \$336,985,182 for architecture and engineering, \$8,992,266 for professional services, and \$110,253,152 for goods and other services.

All departments should be charged with the responsibility of meeting the program's objectives to ensure that their contract awards adhere to the participation goals for each ethnic and gender group that had a statistically significant disparity.

3. Prime Contract Remedies

• Incentive Credits for Architecture and Engineering Services and Professional Services Contracts

Incentive credits should be incorporated in the evaluation points assigned to each solicitation for architecture and engineering and professional services prime contracts. The incentive credits apply when the selection process includes a request for proposal or statement of qualifications. Including incentive credits as one of the evaluation criteria could counterbalance the competitive disadvantage experienced by the groups with a statistically significant disparity. Incentive credits of 10-15 percent of the maximum points would be specified in the published evaluation criteria and applied in the evaluation process for formal contracts. A business eligible for incentive credits would be assigned the points during the evaluation of the technical proposal. The groups that are eligible for incentive credits and the relevant thresholds are listed in Table 11.07.



Table 11.07: Groups Eligible for Prime Incentive Credits

PRIME INCENTIVE CREDITS ELIGIBLE GROUPS			
Architecture and Engineering	Threshold	Professional Services	Threshold
African American	Formal and Informal Level	African American	Informal and Formal Level
Hispanic American	Informal Level	Hispanic American	Informal and Formal Level
Women Business Enterprise	Formal and Informal Level	Women Business Enterprise	Informal and Formal Level

Assignment of incentive points in the evaluation process could mitigate the statistically significant disparity in the County's award of architecture and engineering and professional services prime contracts.

• Bid Discounts for Construction and Goods and Other Services Contractors

For SBEs, the County applies 10 percent bid preferences on prime contracts valued at \$1 million or less, and a five percent bid preference on contracts valued at greater than \$1 million. The bid preferences should be extended to the ethnic and gender groups that were found to have a statistical significant disparity on the County's construction and goods and other services contracts.

4. Subcontract Remedies

• Small Contracts Rotation

The County's procurement procedures include small purchase orders for goods and other services valued at \$25,000 or less. A Small Contracts Rotation Program should be established for goods and other services prime contracts valued at less than \$25,000. Presently, these purchases are solicited without advertising. A rotational program for prime contracts would limit competition to businesses from the statistically significant underutilized groups and others certified as SBEs. This program would allow the ethnic groups to bid as primes in a sheltered market and thereby increase their opportunities to be a prime contractor.

The Small Contracts Rotation Program would ensure that quotations for contracts are solicited from a diverse pool of Caucasian females, ethnic groups, and SBEs on a rotating basis. The statistically significant underutilized groups would be presumed to be eligible. The eligibility of any other SBEs would be determined through a certification process designed to verify business size, ownership, and control.



Labor rates and mark-up would be preapproved upon assignment to the Small Contracts Rotation Program. Work orders would be assigned on a rotating basis, and no business in the rotation would be eligible to receive a second assignment until all other businesses on the list had been offered at least one assignment.

• Subcontract Goals

The County should establish subcontracting goals for Hispanic American and African Americans to address the documented disparity in the award of construction and professional services subcontracts. The ethnic-specific subcontracting goals should be derived from the availability of the groups with a statistically significant disparity. The overall program subcontracting goal should not be set higher than the availability of the two groups underutilized at a statistically significant level. Table 11.08 below depicts the subcontractor availability documented in the Disparity Study. A separate subcontracting ethnic-specific goal should be set on each prime contract.

“I think they can do a better job with the CSBE Program. An M/WBE program should be reinstated. It was a lot more helpful.”

Table 11.08: Subcontractor Availability

Underutilized Groups	Construction Availability Percentage	Professional Services Availability Percentage
African American	13.06%	20.95%
Hispanic American	60.95%	52.28%

• Set Contract Specific Subcontracting Goals

A subcontracting goal should be set on all construction and professional services prime contracts over \$100,000 for each ethnic group that had statistically significant underutilization. The prime contractor should be required to meet the subcontracting goal at the time of bid opening. The goal must be met with one or more certified businesses providing a commercially useful function or the prime must document a good faith effort.

• Require Goal Attainment at Bid Opening

The prime contractor should be required to list at the time of bid opening the subcontractors proposed to meet the subcontract goals. Submission of a list of eligible subcontractors or an approved good faith effort statement should be a condition of a responsive bid.



• Quantify Good Faith Effort Criteria

The County should expand its good faith effort policy to meet the County's subcontracting goal. A prime contractor should achieve a minimum score of 80 points to demonstrate a bona fide good faith effort:

Advertising (5 points)

Effort: The contractor shall advertise in the general circulation media, minority focused media, or trade related publications at least twice, 10 days prior to submission, unless the County waives this requirement due to time constraints.

Documentation: Copies of the advertisement. The advertisement shall include the name and location of the project, the location where plans and specifications can be viewed, the subcontractor proposal due date, and the items of work or specialties being solicited.

Bidders Outreach to Identify M/WBEs (15 points)

Effort: The Contractor shall attempt outreach to eligible businesses.

Documentation: Copies of the letters, faxed telephone logs, etc. used to contact prospective subcontractors. List the name of the organizations or firm, person contacted, and the date of contact. Include copies of correspondence received from any organization or firm responding to the bidder's solicitation or initiating contact for the purpose of seeking subcontracting work. The contractor must contact at least three firms/organizations or an amount sufficient enough to reasonably result in a viable subcontract.

Bidders must submit documentation of good faith efforts to contract with, or to purchase significant material supplies from, eligible firms within **48 hours** after the bid opening. If a contractor or bidder fails to meet specified goals in the bid documents, the County must determine that the contractor has complied with all requirements of the solicitation documents and has made the required good faith effort.

Attending the Pre-Bid Meeting (5 points)

Effort: Attendance is mandatory to comply with the good faith effort requirement. However, attendance may be optional if the participation goal is met.

Documentation: The contractor's name on the pre-bid meeting sign-in sheet and representative presence at the pre-bid meeting.

Providing Timely Written Notification (20 points)



Effort: The contractor will solicit subcontract bids and material quotes from relevant eligible businesses in writing and in a timely manner to reasonably result in the M/WBE goal being met. Relevant firms are those eligible that could feasibly provide services or supplies required for completing the scope of services provided in the bid document. In soliciting sub-bids, quotes, and proposals, the Contractor will furnish the following information:

- Contractor's name, address, and telephone number;
- Project location and description;
- Solicited items of work services to be subcontracted or materials purchased, including a specific description of the work involved;
- Place where bid documents, plans, and specifications can be reviewed;
- Contractor representative to contact; and
- Date, time, and location when subcontractor/supplier quotes must be received by the contractor.

Documentation: Copies of the written correspondence with the name, address, contact person of the subcontractor, and the date of the written notice. Written notification must be dated as transmitted at least 10 business days prior to the bid due date and include verification of transmission date. Such verification may include copies of certified mail-return receipts and automated fax journals.

Initial Contact Follow-up (15 points)

Effort: The contractor shall follow up on initial solicitations by contacting the eligible subcontractors prior to the bid opening to determine with certainty whether the subcontractors were interested in performing specific items of work on the project. Such contact shall be within a reasonable amount of time to allow the prospective subcontractor an opportunity to submit a competitive sub-bid.

Documentation: The list of subcontractors, who were contacted by telephone, including results of that contact, documented with a telephone log, e-mail print-out, and automated fax journal or fax transmittal documents. Include names of the eligible businesses, telephone number, contact persons, and dates of contact.

Identifying Items of Work (15 points)

Effort: The contractor shall identify specific items of the work to be performed by subcontractors. Smaller portions of work or other assistance that could reasonably be expected to produce a level of participation sufficient to meet the goals should be offered to prospective eligible subcontractors.

Documentation: The list of the specific items of work solicited, including identification of eligible firms, in which such work was solicited.



Negotiating in Good Faith (15 points)

Effort: The contractor shall negotiate in good faith with the businesses, and not unjustifiably reject sub-bids, quotes, and proposals prepared by eligible businesses.

Documentation: Written statements of the names, addresses, and telephone numbers of subcontractors contacted by the contractor to negotiate prices or services. Include dates of the negotiations and the results. Document the quotes/proposals received from the eligible businesses. Lack of qualifications or significant price difference (five (5) percent or more) will be considered just cause for rejecting eligible businesses. Proof of price differential must be made available.

Offer Assistance in Financing, Bonding, Insurance or to Mentor (10 points)

Effort: Where applicable, the contractor shall advise and make efforts to assist interested businesses in obtaining bonds, lines of credit, or insurance required by the County. A prime contractor may also receive 10 points for good faith effort by offering mentoring assistance.

Documentation: Written statements of the type of assistance offered. The contractor shall provide the name, contact person, and telephone number of the bonding company or financial institution offering assistance.

To claim points for mentoring, the prime must submit a mentoring plan that is subject to the County's approval for one or more of the eligible businesses included on the subcontractor list for the project. There must be at least 20 percent subcontracting participation on the project by eligible businesses. The mentoring plan outcomes, such as enhanced capability to bid projects as a prime, new skills in estimating projects, completing project schedules, hiring subcontractors, acquiring additional licenses or certification, access to capital, additional bonding capacity.

Assess Penalties for Not Achieving the Contract Goal

The County should assess penalties at the close of the contract for failure to attain the contract specific ethnic goal. The penalty should equal the total subcontract shortfall.

V. RACE AND GENDER-NEUTRAL RECOMMENDATIONS

Best management practices are offered to enhance the procurement practices reported by the County managers, and to increase the participation of SBEs and M/WBEs on the County's contracts.



A. Administrative Enhancements

1. Mandate Compliance with SBE Goals

The County should require compliance with the SBE goals at bid opening. In order to ensure compliance, prime contractors should be required to include in their bids and proposals the Schedule of Intent Affidavit containing information on the SBEs that would be used to meet the SBE subcontract goal. A submission that fails to meet the SBE subcontract goal should be considered non-responsive.

2. Eliminate Subcontractor Waiver Provision

There should be no waiver of the SBE goal. The goal should be met at the time of bid or proposal submission, or the next ranked submission that meets the provisions of the solicitation should be considered for the award.

3. Apply the SBE Program Standard Uniformly

The County should require active participation by all departments to ensure that the SBE policies are implemented effectively. The publication of a quarterly Countywide Progress Report for key contracting officers and SBE liaisons for all departments should be implemented. This progress report would detail each department's performance requirements for meeting the County's SBE goals. If the department does not meet the County goals, the report should include proposed recommendations to enable the department to meet the goals within a specified time period. The subsequent quarterly report should include the efforts made by the department to achieve the SBE goals.

4. Engage Procurement Staff Members

Annual County training should be conducted to ensure that all staff involved with the procurement process from formulation of the specifications to the award of the contract are knowledgeable about the County's procurement policies and procedures. Training will also help to standardize the practices of procurement managers to ensure the procurement procedures are applied uniformly among all departments.

5. Evaluate Staff Compliance with the SBE Program

Staff compliance should be evaluated through both department-level reports of SBE utilization and staff performance reviews. The SBE quarterly monitoring reports should describe the level of SBE contracting by department. The performance evaluation of all managers should include criteria on the department's SBE utilization and compliance with SBE Program requirements. Staff members who comply with program requirements to utilize SBEs on informal contracts should be recognized in the quarterly utilization report. Formal recognition would provide staff with an additional incentive to meet



program requirements, and to reward those who consistently demonstrate a commitment to diversity.

6. Expand the Advisory Board's Function

The County's Advisory Board counsels SBEs and disseminates information related to economic opportunities with the County. The County should expand the Board's outreach and responsibilities to M/WBEs in order to increase their participation on County contracts.

7. Establish an Ombudsperson Position

The County should authorize the appointment of an ombudsperson as a resource to support the SBD Office. The ombudsperson would have the authority to receive, investigate and mediate complaints concerning the actions of County staff, its prime contractors, and subcontractors. The ombudsperson would operate independently of the SBD Office and should be appointed by the County Board of Commissioners.

8. Fully Staff the Small Business Development Office

The County's SBD Office staff should be increased to fulfill the additional services that will be required if the recommended M/WBE program is implemented. Adequate staffing is necessary to implement and enhance these broader Micro/SBE Program objectives. The staff should be augmented to include an ombudsperson who would handle disputes and address the concerns of businesses that contract with the County, or which are interested in doing so. The staff should have knowledge about procurement standards, State of Florida contracting law, regulations, and affirmative action programs.

The personnel should have professional knowledge of the relevant industries. The education levels and professional experience should include business administration and business processes. In order to service the enhanced Micro/SBE Program, computer and database knowledge should be requisite skills for the staff. All staff should have an expressed interest in increasing the participation of Micro/SBEs in all facets of the County's contracting. The performance for the program staff should include objective measurement of the extent to which the SBE goals are attained and the disparity eliminated.



B. Pre-Award Recommendations

1. Unbundle Large Procurements into Smaller Contracts

“Sometimes the County bundles small projects into one large contract which prevents smaller or minority contractors from getting work.”

“Bundling” occurs when small purchases are consolidated into one contract, or when goods or services are grouped together into a single solicitation. Bundling also occurs when projects that are on separate sites—or on discrete areas of the same site—are included in one solicitation. Design-build delivery

system, task order contracts, and multi-year price agreements are each examples of bundling. The bundling of contracts prevents small firms from bidding on the parts for which they are qualified because the contract includes items that can only be bundles and/or performed by a larger business.

Multi-year price agreements allow one contractor to receive task orders or purchase orders for multiple small procurements over an extended period of time; services which would otherwise be solicited by the informal bid process or as a small purchase. Purchases made under these agreements are examples of the type of procurement that could be unbundled. The County should review multi-year price agreements and task orders toward unbundling them and making more small contracts available to the businesses that represent the majority of the businesses in the County’s market area.

In determining whether large procurements should be unbundled, the following criteria should be reviewed:

- Whether or not the project takes place in more than one location;
- Size and complexity of the procurement;
- Similarity of the goods and services procured;
- Sequencing and delivery of the work;
- Public safety issues and convenience;
- Procurement division options; and
- Size of the task orders issued against the procurement.

2. Establish a Direct Purchase Program for Construction Contracts

A Direct Purchase Program is recommended because it would allow the County to procure construction materials and supplies directly from the supplier. The contractor’s bid would include the estimate, and the County would make the purchase and pay the vendor’s invoice directly. For the purpose of bonding a job, the cost of supplies could be subtracted from the bid price, thereby reducing the amount of the contractor’s bond.

In addition, with the existence of this Direct Purchase Program the construction supplies and materials quotes that SBEs receive should also be lower. It is anticipated that the supplier, knowing that it would receive direct payment from the County, would also



quote a more competitive price, reducing the overall bid amount and allowing SBEs and M/WBEs to be more competitive. The cash flow required to pay suppliers in advance of receiving reimbursement from the County is also eliminated.

3. Modify Advertising Requirements

The County advertising requirements range from \$200,000 for professional services to \$2,000,000 for architecture and engineering contracts with construction cost as described in Table 11.09 below.

Table 11.09: Advertising Requirements

Industry	Threshold Level
Construction	\$500,000 or less
Architecture and Engineering with Construction Costs	\$2,000,000 or more
Professional Services	\$200,000 or more
Goods and Other Services	Over \$250,000

The size analysis presented in the *Availability Analysis Chapter*, revealed that a majority of the County's prime contracts are small. Contracts valued at less than \$25,000 represented 61.49 percent; those less than \$50,000 represented 70.22 percent; those less than \$100,000 represented 78.53 percent; and those less than \$250,000 represented 86.8 percent. The County should require advertising on all contracts valued over \$50,000 which represents at least 70 percent of the County's contracts in order to increase the participation of small and M/WBE contractors.

4. Advertise Small Contracts Bond Provisions

The County has a Bonding and Financial Assistance Program where Micro/SBEs may receive bonding and financial assistance. The Bonding Program should be expanded to promote bonding and financial assistance to M/WBEs.

Additionally, the County should waive the bonding requirement when the engineer's estimate is less than \$25,000. These contract opportunities should be broadly advertised. Bonding requirements can be a significant disincentive and a barrier to small businesses. A Small Contracts Bond Provision could serve as a significant incentive for small businesses to bid on County projects, thereby increasing the number of SBEs and M/WBEs awarded small contracts.



5. Pay Mobilization to Subcontractors

"I think that it would help if they had something in place to help small businesses with mobilization costs. If they helped with mobilization costs, more contractors would bid on their projects."

Under circumstances where mobilization payments are approved for the prime contractor, the subcontractor should be paid an amount equal to its participation percentage no later than five (5) business days before it is required to mobilize for work. To ensure transparency, subcontractors should be notified when prime contractors receive mobilization payments from the County. Notification should be

provided through facsimile or e-mail. The information should also be posted on the County's website. For subcontractors, project start-up costs can also be significant. A subcontractor that has limited resources and access to credit may find that expenses inhibit its ability to bid on the County's contracts.

6. Disseminate the Procedures for the County's Equitable Distribution Program for Architecture and Engineering Consultants

The County's Equitable Distribution Program distributes architecture and engineering consultants through a centralized rotational system. After a firm obtains a Pre-Qualification Certificate, that company is placed on the list based on its technical certification and prior contracting opportunities with the County. The program applies to construction projects with an estimated cost of \$2 million or less, and/or study activities valued at less than \$200,000. The thresholds are set forth in Florida State Statute 287.055. Although the County has detailed written procedures for the program in Administrative Order 3-39, the County Managers reported using various methods to evaluate and prequalify architecture and engineering consultants.

"The County has an Equitable Distribution Program. It's a program that is based on a rotation list. In my opinion the program is not working. Every time that a department needs an architect, and if they want a certain architect, that architect gets bumped up on the list. So, it's not a real or true rotation."

The County should disseminate and train key procurement managers department-wide on the procedures and requirements for the Equitable Distribution Program in order to increase the pool of qualified architecture and engineering services pre-qualification applicants and to ensure the program standards are being uniformly applied.

7. Maintain Virtual Plan Room

The County should consider purchasing software that would allow bidders to obtain digitized plans and specifications on its website at no cost. Online access to plans and specifications could reduce the cost for the County to produce the documents and the



contractor to acquire them. Plan rooms located in trade and business associations' headquarters and at the County should be established.

8. Revise Insurance Requirements

Insurance requirements should be evaluated to ensure that smaller contracts do not require a disproportionately high level of coverage. When there is an insurance requirement on small contracts, the type and level of coverage should be set in relation to the actual contract liability. Risk management should carefully consider the impact on SBEs and M/WBEs when contemplating insurance rate increases. Criteria should be developed for insurance waivers for smaller contracts. The process to apply for a reduction of the County's insurance requirements could be made accessible on the County's website.

"They wanted additional insurance before we were even awarded the job. So, I had to pay for something that cost \$3,000, and never get the job. If you don't provide that level of coverage up front, then you cannot get on their vendors list. It's those types of things that can hinder small companies who don't have the resources to pay extra for insurance to compete."

9. Review Selection Panel Process

The evaluation panel members for architecture and engineering and professional services contracts should have accountability for their individual scores. The panel members should be required to sign their evaluation form. The evaluation score of the panel members should be released when the Intent to Award is issued. The bidders should have access to the evaluation forms promptly, so that they may assess their performance and engage in protest procedures, if necessary.

The evaluators' names and scores should be made available at the time the firm selected for the award is announced. The proposal and the statement of qualifications, and bids should be released upon request at the time the notice of Intent to Award is published. Providing such information upon demand creates greater transparency and allows unsuccessful bidders to improve their bids on future County opportunities.

10. Distribute Bid Protest Procedures

Unsuccessful bidders and proposers involved in any competitive procurement process may protest an award for recommendation for County contracts and purchases valued over \$25,000. The County's bid protest procedures are detailed in Implementing Order 3-21. The protestor is required to file a non-refundable filing fee to initiate their bid protest as described below.



Table 11.10: Bid Protest Filing Fees

Contract Award Amount	Protest Filing Fee
\$25,000 to \$250,000	\$500
\$250,001 to \$500,000	\$1,000
\$500,001 to \$5 million	\$3,000
Over \$5 million	\$5,000

The County should not impose a filing fee on contract awards valued under \$500,000. A filing fee of up to \$3,000 on contracts under \$500,000 can prevent SBEs and M/WBEs from submitting a potentially meritorious protest. The filing fee should be limited to contract awards over \$500,000.

The bid protest procedures should be included in staff training for all County managers with procurement responsibility. Key County managers indicated a lack of knowledge of the County's bid protest procedures.

11. Enhance M/WBE Outreach Campaign

The County's existing outreach campaign should be expanded to promote the new M/WBE program's objectives and policy goals. A well-planned and executed outreach campaign is essential to increasing M/WBE participation. Therefore, a comprehensive outreach campaign should be initiated to promote the enhancements from the Disparity Study. The following outreach and marketing objectives should be considered:

- Disseminate press releases and public service announcements to inform the media and community regarding the County's M/WBE program
- Make print and electronic information on the County's M/WBE program readily available
- Draft a digital business development brochure and manual for the County's M/WBE program
- Provide e-notifications for programs and events
- Promote cross-marketing strategies with other jurisdictions and trade and professional associations
- Enhance promotion of networking opportunities, pre-bid conferences and certification workshops. Extra effort should be made to advertise such opportunities through their weekly e-mail updates, newsletters, trade associations, other County publications, and the website in order to target M/WBEs and SBEs.
- Host marketing forums to allow M/WBEs and SBEs to deliver technical presentations directly to the County and management staff. The forums should be topical and held on at least a quarterly basis. The outreach material should provide detail sufficient to inform interested businesses of the opportunity to make a presentation at the forum. The forums would



allow M/WBEs and SBEs to become more familiar with procurement, as well as increase the County's staff's knowledge of the goods and services offered by M/WBEs and SBEs.

- Schedule management workshops as a part of a multi-series workshop offered at regular intervals. Workshops that enhance entrepreneurial and management skills can also provide M/WBEs and SBEs with the knowledge and ability to improve their proposals when responding to County solicitations. These workshops can be held in collaboration with local technical assistance centers.
- Publish a newsletter regularly - newsletters can supplement the weekly e-mail updates and enhance the communication with SBEs and M/WBEs. The County should use a monthly digital publication as a tool to keep business owners abreast of important announcements. The newsletter should provide detailed information on upcoming projects, project status, and other County announcements. The newsletter should be published on schedule each month and remain on the County's website for at least 36 months.

C. *Post-Award Recommendations*

1. *Provide Debriefing Sessions for Unsuccessful Bidders*

The County does not have formal procedures to debrief unsuccessful bidders or proposers. Debriefing sessions should be made available to any unsuccessful bidders. This option should be published on the County's website and included in the Notice of Intent to Award that is sent to unsuccessful bidders. The proposal, statement of qualifications, or bid of the business recommended for award should be available upon written request.

2. *Institute a Payment Verification Program*

The County has a prompt payment policy; however, in order to monitor compliance with the prompt payment provision, the County should verify payments made to M/WBE and SBE subcontractors. Currently, the County requires that all prime contractors, including Micro/SBEs, receive payment within 30 days or receipt of the invoice. Prime contractors are also required to include invoices from Micro/SBEs as part of its billing to the County within 14 calendar days of receipt of the invoice from SBEs. The prime contractor must pay the SBE or Micro Enterprise within two days of receipt of payment from the County.

A payment verification program would allow subcontractors to notify the County of late payments or non-payments in real time. In addition, each subcontractor listed as paid for the previous billing cycle should be contacted electronically to verify that payment was received. This verification procedure would eliminate reliance on self-reporting by the prime contractors.



If a subcontractor reports a discrepancy in the amount actually received from the prime contractor, the discrepancy should be resolved before any additional payments are made to the prime contractor. The simplest resolution would be to have the prime contractor submit to the County with each invoice an image of the cancelled check written to the subcontractor to pay for the previous invoice. The payment verification program should be published on the County's website, in solicitation documents, and in contract documents. The prime contractors' compliance with the payment verification program should be a mandatory provision of the prime contract.

3. Publish Prime Contractor Payments

All prime contractor payments should be posted on the County's website as a means of addressing the late payment problem. Late payments can be a disincentive for SBEs and M/WBEs wanting to perform as a subcontractor. To facilitate use of the published postings, the website should be updated weekly or bi-weekly on the same day of the week. Subcontractors should be able to view prime payments made for all project. This system will provide subcontractors with information on payments made to prime contractors, thereby reducing subcontractors' inquiries about payment.

4. Conduct Routine Post-Award Contract Compliance Monitoring

Monthly contract compliance monitoring should be conducted to ensure that the subcontractor participation listed in bids, proposals, and statements of qualification is achieved for the contract duration. After the contract is awarded, regular compliance monitoring should verify the prime contractor's post award subcontracting levels. Consistent contract compliance monitoring could minimize the hardships experienced by all subcontractors due to unauthorized substitutions and late payments.

"They don't have the right people in place who have the courage or authority to make things happen. On one project the prime contractor actually paid the other subs and didn't pay us. They held back our money. But they paid the other subcontractor in a timely fashion."

The following contract compliance monitoring methods are recommended:

- Track and report subcontractor utilization in an electronic database
- Perform job site visits in order to monitor actual subcontractor participation on the contracts
- Conduct onsite certification reviews in order to ensure that only eligible firms are meeting the SBE goals



5. Assess Penalties for Not Achieving the M/WBE and SBE Contract Goals

The County should assess monetary penalties on prime contractors for noncompliance with the M/WBE and SBE goals. The prime contractor should be required to document the attainment of the approved goal at the close of the contract. The penalty should equal to the goal shortfall and could be assessed during the project close-out and withheld from the retainage refund.

6. Publish Quarterly M/WBE Utilization Reports

Utilization reports that measure the effectiveness of the M/WBE program should present year-to-date payment, original award, and contract modifications. This data should be depicted by industry and department. The report should also present the awards and payments by ethnicity, gender, and certification status. Change orders, amendments, and substitutions should be reported by prime contractors. Waivers to the subcontracting goals should also be published in the quarterly M/WBE Utilization Report.

The fourth-quarter report should also include an assessment of program activities and the SBD Office evaluation and recommendations regarding the County's compliance with the equity requirements. The County's exemplary practices and achievements should also be noted in the fourth-quarter report. The utilization reports should be posted on the County's website and made available to businesses by email.

7. Develop Contract Opportunities Forecast

The County should publish a 12 to 24-month contract opportunities forecast annually. The forecast should identify the industries within which contract opportunities are anticipated to be awarded. This forecast should be distributed to business and trade associations and published on the County's website.

8. Implement Formal Dispute Resolution Standards

The County should establish a protocol to ensure that SBEs have a means to address contract complaints and disputes in a formal dispute resolution process. This is particularly important for payment disputes or other routine contract or pre-award matters. Whenever possible, the County should attempt to address concerns of contractors before formal dispute resolution is necessary. The office responsible for contractor complaints and disputes should be staffed with qualified, permanent County personnel and should have authority to investigate concerns, complaints, and disputes. In addition, more transparent procedures to escalate complaints and disputes from the director-level to executive-level personnel should be formulated, implemented, and publicized widely on the County website, in contract documents, newsletters and business meetings.



Any complaint filed by contractors should be written and include at least the following information:

- Date submitted;
- Contract number;
- Contractor's name, address, and telephone number;
- Factual allegations contained in the dispute, supported by an affidavit based on the claimant's personal knowledge; and
- Documentation of all grounds supporting the contractor's need a timeline for hard-line the matter requested relief.

The dispute resolution standards should apply to disputes between prime contractors and the County as well as disputes between subcontractors and prime contractors. The dispute resolutions should include provisions for an ombudsperson to handle mediation as needed to achieve timely resolution of the dispute. Mediation should be mandatory in the event a dispute cannot be resolve by the ombudsperson within 10 business days.

The first step in the mediation process would be the submission of a complaint in writing by the aggrieved party to the ombudsperson. The ombudsperson would then aid the parties in resolving the dispute by investigating the claim and making initial contact with the County, prime contractor, or subcontractor. If the dispute is not resolved through these means, the ombudsperson will assist the aggrieved party in filing a request for mediation. A dispute would have to be taken to the ombudsperson before proceeding to mediation.

Mediation would be the second step in the resolution process. The mediator contacts both parties involved in the dispute and assists the parties in arriving at an agreed upon resolution. Neither party may involve legal representation during the mediation process. If the parties are not able to reach a mutually agreed upon resolution through mediation, the dispute may proceed to arbitration. A dispute must be taken to mediation before it can proceed to arbitration.

Arbitration is the final step to resolving a dispute. The decision reached by the arbitrator is final and binding. The parties may retain legal representation during the arbitration process.

D. Website Enhancement Strategies

The County website was evaluated to assess its functionality, informational value, and access to businesses seeking County contracting opportunities. The County's website is well-structured, aesthetically pleasing, and contains relevant information for business users that can be accessed with ease.



A business considering contracting with the County is able to click on the *Business* link on the homepage and arrive at the business page. The business page provides a menu bar with links that describe the types of services and business opportunities available with the County. Among the listed links is *Contracts and Procurement*. This link offers information on: *Bids and Proposals*, *Vendor Services*, *Doing Business in Downtown Miami*, and *Procurement Contracts*. The user's priorities are clearly the organizing principles of this webpage.

The County's website has several exemplary features which are highlighted below. There are only two recommendations offered that could enhance the County's website.

1. Exemplary Website Features and Elements

a. Promotes the County's Small Business Enterprise Program

One of the County's strengths lies in the multitude of SBE programs that cater to a wide variety of business interests. On this webpage, a user can easily find the pertinent information regarding the SBE Program, Micro/SBE Program, Community Business Enterprise (CBE) Program, Community Small Business Enterprise (CSBE) Program, Disadvantaged Business Enterprise (DBE) Program and Local Developing Business (LDB) Program.

b. Posts Key Staff Contact Information on the Contact Us page

The County's *Contact Us* page lists the complete address, telephone number, and e-mail address for the County's Procurement Management Services Division. In addition, the telephone numbers and e-mail addresses for relevant departments, and key personnel are listed. This comprehensive listing provides complete contact information for all categories of employees. This detail can be beneficial to a business in search of personnel in specific departments.

c. Publication of Contract Compliance Documents and Purchasing Guidelines

Posting contract compliance documents and purchasing guidelines for each industry enhances transparency of the procurement process. The scope of the County's postings is comprehensive. Purchasing guidelines, purchasing manuals, and procurement standards also provide users with additional details of the County's contracting process. This is especially important for small business owners who are unfamiliar with the County's procurement process. It could also be an effective tool to remove barriers for small business owners who have not previously contracted with the County. The *How to do Business with the County* page goes into great detail about the procurement process and purchasing guidelines. The documents for enrollment, registration, Invitations to Bid (ITB) and Requests for Proposals (RFP) are all centrally located in this section.



d. Listing of All Certified Subcontractors on the County Website

A search function to find subcontractors by type of certification, location, industry, and industry classification or NAICS codes is located on the County website. This search function allows a prime contractor to easily locate certified subcontractors. In addition, the quick link to this PDF list simplifies the search for certified subcontractors and avoids the need to contact County staff.

e. Maintaining Database of All Contracts Awarded

The County has also created and maintained a database of all the contract awards on professional services, design-build, and goods and services contracts. A comprehensive, searchable list containing information on pricing, awarded vendors, specifications, terms and conditions and contract utilization is available. By making this database public, the County has ensured transparency in the award of prime contracts, and eliminated the need to contact County employees. Also, the County's Procurement Management Services Division for Enhancements publishes the Intent to Award for contracts valued between \$25,000 and \$250,000 prior to the award.

2. Recommendations for Enhancements

While the website's well-designed layout is intuitive and allows the user to find relevant information with ease. However, there are several features that could provide greater value for the business users. While the web is still a largely visual medium, it is important to take into consideration those who cannot access it in the standard way. Therefore, two enhancements are offered to expand the website's accessibility and functionality.

a. Provide Accessibility for Persons with Disabilities

Users with disabilities can contact the County for reasonable accommodation. In the interest of providing immediate access without staff assistance, the County should consider a text-to-speech feature. The text-to-speech feature reads text on the page aloud, thereby removing additional barriers for visually impaired individuals.

b. Offer Mobile-Optimized Website

Mobile devices are expected by some experts to take over tasks that traditionally have been done on personal computers. Businesses are starting to focus on mobile-first approaches to reach consumers by developing mobile sites before expanding to full desktop versions. In order to accommodate the growing number of mobile users, the County's website should be mobile-optimized to ensure that all website features function properly on mobile devices, such as smartphones, tablets, and tablet hybrids. The agency should offer a dedicated mobile site to tailor content to its users who browse on a handheld device.



E. Data Management Strategies

Recommendations are presented as strategies to enhance the County's management of the financial and procurement data necessary to ensure accuracy of its utilization reports. Prime contract and subcontract awards and payments must be monitored to ensure accuracy of the County's reports of the M/WBE and SBE utilization. An assessment of the County's data management process revealed the need for an improved system.

1. Track and Monitor Prime and Subcontractors in Centralized Financial Management System

- A resolution to capture prime contractor and subcontractor demographic data, introduced by Commissioner Barbara J. Jordan, was adopted in 2013. The prior disparity study revealed deficiencies in the maintenance of subcontractor demographic and payment data. The resolution directed the County to establish standards to track and monitor the subcontractor demographic data under the management of the SBD Office.
- Prime contractors are required to submit their subcontractor payment data as a condition of receiving final payment from the County. In addition, prime contractors must provide the ethnicity and gender of all first tier subcontractors on subcontracts valued at \$100,000 and over. The Subcontractor/Supplier Form has been modified to capture this information. The modified SBD database in the Oracle system captures the more comprehensive data that bidders must provide.
- In addition to the required demographic and payment data, the centralized system should track for each subcontract the prime contract name and number, the subcontractor contact information and the subcontract award date, award amount, and amendment. The record for each prime contract should also include the requisition number, date, and initiating department.
- The centralized Oracle system should have a standard data dictionary for all departments' users. The data dictionary should list the standard database headers and define the data that should populate each field. Any data a department wishes to include in a customized database that has not been previously defined, must be preapproved and added to the data dictionary in order to maintain the uniformity of data definition across the various department databases.
- The centralized Oracle system should have the capability to produce both *ad hoc* and customized reports using fields common to all departments, listing the contract award and payments to the prime contractor and its subcontractors for any specified time period.



2. Use a Unique Identifier for all Contracts Regardless of Procurement Type

One contract numbering scheme should be used for all County contracts and purchase types in order to eliminate duplicate contract numbers. The County's financial management system utilizes a different set of contract numbers dependent on the procurement type. For example, the contract numbers for purchase orders are assigned from a different set of contract numbers than prime contracts or blanket purchase orders. This system allows for different contracts to have the same number because the procurement type differs.

3. Track and Monitor Pre-Award Subcontractor Commitments

Contractors are required to report the gender and ethnicity of the owners and employees of Level 1 subcontractors for contracts valued at \$100,000 and above on the Subcontractor/Supplier Listing form. The reported subcontract award data should be verified by the listed businesses prior to authorizing a contract award. As an additional monitoring tool, the prime contractor should be required to submit the executed subcontract with each listed M/WBE and SBE prior to the County issuing the initial prime invoice payment.

4. Improve Oversight of Noncompetitively Bid Contracts

Formal bids are not required for goods and other services contracts under \$250,000, and advertising is optional. The analysis revealed that only 250 of the 1,675 prime contracts under \$250,000 were awarded to SBE certified prime vendors representing 15.04 percent of the small contract awards. Publication of solicitations for contracts under \$250,000 should be required in order to ensure that all SBEs and M/WBEs have an opportunity to respond. The publication should be posted on the County's website.



Appendix A: JUDICIAL REVIEW

I. INTRODUCTION

A judicial review was conducted to analyze all available judicial or administrative public hearing transcripts, summaries, or findings relating to allegations of commercial discrimination against contractors, subcontractors, vendors, consultants, and local government agencies. Extensive research was conducted to collect judicial and administrative data regarding allegations of commercial discrimination pertaining to Miami Dade County (County). The materials reviewed for the judicial review consisted of case law and studies pertaining to the utilization of minority and women business enterprises (M/WBEs) on public contracts in the County and the state of Florida.

This chapter is organized into four sections. The introduction is the first section. A *Legal Summary* is contained in section two describing the state of the law applicable to affirmative action programs in the area of public contracting. An *Administrative Review* of the available case law regarding allegations of commercial discrimination in the County is contained in section three. Finally, section four includes an *Analytical Review of Findings of Discrimination against M/WBEs*.

II. LEGAL SUMMARY

In an effort to clarify the current legal requirements for the County as a local government to promulgate a contracting affirmative action program, a brief summary of the case law is presented. The summary, presented below, is limited to the standards for determining the geographic market area, the parameters for the availability analysis, the utility of anecdotal evidence, and the factors required to perform a disparity analysis.

The salient case of *City of Richmond v. J.A. Croson Co (Croson)* provides the impetus for establishing the standards for affirmative action programs for state and local governments.⁸⁸ In *Croson*, the United States Supreme Court affirmed that pursuant to the 14th Amendment the proper standard of review for race-based state and local MBE programs is strict scrutiny.⁸⁹ Specifically, the government must show that the classification is narrowly tailored to achieve a compelling state interest.⁹⁰ *Adarand Constructors, Inc. v. Federico Pena*⁹¹, a 1995 United States Supreme Court case that

⁸⁸ 488 U.S. 469 (1989).

⁸⁹ *Croson*, 488 U.S. at 493-95.

⁹⁰ *Id.* at 493.

⁹¹ 115 S.Ct. 2097 (1995)



directly challenged the USDOT's Disadvantaged Business Enterprise (DBE) Program, extended the strict scrutiny standard to federal affirmative action programs.

A. Geographic Market Area Analysis

Croson did not directly address the process of geographic market determination when establishing the relevant market area for a disparity study. However, several federal court cases that present a reasonable definition for determining relevant market area provide some guidance. In *Coral Constr. Co. v. King County*, the Court of Appeals for the 9th Circuit held that "an MBE program must limit its geographical scope to the boundaries of the enacting jurisdiction."⁹² Conversely, in *Concrete Works of Colorado v. City and County of Denver* the Tenth Circuit Court of Appeals specifically approved the Denver MSA as the appropriate market area since 80 percent of the construction contracts were let in *Concrete Works of Colorado v. City and County of Denver*.⁹³

Croson and its progeny did not provide a bright-line rule for the measurement of a local market area, although the determination should be fact-based. An entity may limit consideration of evidence of discrimination within its own jurisdiction, which is described as the geographic area where the agency spends the majority of its dollars.⁹⁴

The County's Disparity Study will determine the percent of contracts awarded by county for each of the industries being studied. The relevant market area for the study will be based on the counties where the majority of the County's prime contracts are awarded. Thus the calculation of availability will be limited to businesses domiciled in the determined counties and the analysis of discrimination will be limited to contracts awarded to available market area businesses for each industry.

B. Availability Analysis

According to *Croson*, availability is defined as the number of qualified businesses in the jurisdiction's market area that are willing and able to provide goods or services.⁹⁵ To determine availability, M/WBEs and non-M/WBEs within the jurisdiction's market area that are ready, willing, and able to provide the goods and services must be enumerated. When considering sources for determining the number of willing and able M/WBEs and non-M/WBEs in the market area, the selection must be based on whether two aspects about the population in question can be gauged from the sources. One consideration is a business' interest in doing business with the jurisdiction, as implied by the term

⁹² *Coral Constr. Co. v. King County*, 941 F.2d at 925.

⁹³ *Concrete Works of Colorado v. City and County of Denver*, 823 F.Supp. 821, 835-836 (D.Colo. 1993); rev'd on other grounds, 36 F.3d 1513 (10th Cir. 1994).

⁹⁴ *Cone Corporation V. Hillsborough County*, 908 F.2d 908 (11th Cir. 1990); *Associated General Contractors v. Coalition for Economic Equity*, 950 F.2d 1401 (9th Cir. 1991).

⁹⁵ 488 U.S. 469 (1989).



“willing,” and the other is its ability or capacity to provide a service or good, as implied by the term “able.”

Willingness is defined in *Croson* and its progeny as a business’ interest in doing government contracting. All businesses included in the availability analysis will be determined to be willing to contract with the County. To be classified as willing, the business must either have bid on a government contract, secured government certification, attended one of the business community meetings, or been listed on a business or trade association’s membership list and affirmed an interest in contracting with the County through a willingness survey.

Capacity requirements were not delineated in *Croson*. The case law where capacity has been considered has involved large, competitively bid construction prime contracts. In *Associated General Contractors of America v. City of Columbus* and *Engineering Contractors Ass’n of South Florida v. Metropolitan Dade City*, the courts were concerned with the capacity of the enumerated businesses to bid on large, competitively bid contracts.⁹⁶ It should be noted that the focus in both cases was on the bidder’s size and ability to perform on large, competitively bid construction contracts.

In *Contractors Association of Eastern Pennsylvania v. City of Philadelphia* the Third Circuit Court of Appeals addressed the issue of ability or capacity to provide a service or good. In this case, the Third Circuit rejected a statistical disparity finding where the pool of minority businesses used in comparing utilization to availability were those that were merely licensed to operate in the City of Philadelphia. Merely being licensed to do business with the City did not indicate either a willingness or ability to do work for the City. As such, the Court concluded this particular statistical disparity did not satisfy *Croson*.⁹⁷

In *Philadelphia*, the court found certification to be an adequate process of identifying capable firms, recognizing that the process may even understate the availability of MBE firms.⁹⁸ Therefore, the court was somewhat flexible in evaluating the appropriate method of determining the availability of MBE firms in the statistical analysis of a disparity.

The federal circuit appellant decision in *Rothe Development Corp. v. U.S. Department of Defense*⁹⁹ (*Rothe*) in 2008 involved the issue of capacity. There were two earlier appeals

⁹⁶ *Associated General Contractors of America v. City of Columbus*, 936 F. Supp. 1363 (S.D. Ohio Eastern Division, decided August 26, 1996), and *Engineering Contractors Ass’n of South Florida v. Metropolitan Dade City*, 943 F. Supp. 1546 (S.D. Fla. 1996), aff’d 122 F.3d 895 (11th Cir. 1997). Writ of certiorari denied *Metropolitan Dade Participating Agencies v. Engineering Contrs. Ass’n*, 523 U.S. 1004, 140 L. Ed. 2d 317, 118 S. Ct. 1186, (1998); Related proceeding at *Hershell Gill Consulting Eng’Rs, Inc. v. Miami-Dade Participating Agencies*, 2004 U.S. Dist. LEXIS 17197 (S.D. Fla., Aug. 24, 2004). Decision was vacated by the 6th Circuit Court of Appeals.

⁹⁷ *Philadelphia*, 91 F.3d 586. The courts have not spoken to the non-M/WBE component of the disparity index. However, if only as a matter of logic, the “availability” of non-M/WBEs requires that their willingness to be government contractors be established. The same measures used to establish the interest of M/WBEs should be applied to non-M/WBEs.

⁹⁸ *Id.* at 603

⁹⁹ 545 F.3d 1023 (Fed. Cir. 2008).



prior to the appellant court's holding that the Department of Defense's small disadvantaged business program was unconstitutional on its face. The court acknowledged that two of the studies relied on by Congress effectively dealt with capacity. The New York City study limited prime contracts to those valued at \$1 million and under and the Dallas study documented that the available firms had a "demonstrated capacity to win large competitively bid contracts."¹⁰⁰ Thus, the court concluded that several studies relied upon by the Department of Defense had demonstrated the firms' capacity to perform a contract. Although the court acknowledged the adequacy of the methodology used to determine capacity in the New York and Dallas disparity studies, it expressed concern as to whether the firms could fulfill more than one contract at a time and thus deduced that a regression analysis was recommended as the corrective going forward.¹⁰¹

Consistent with the case law, the capacity of willing market area businesses to do business with the County will be assessed using three approaches:

- i. The largest contracts awarded to M/WBEs by the County will be identified to determine their demonstrated ability to win large, competitively bid contracts.
- ii. The Florida Department of Transportation (FDOT) certification processes will be assessed to determine if those processes meet the standard set forth in *Philadelphia*.¹⁰² *Philadelphia* found the U.S. Department of Transportation (USDOT) certification sufficient to measure capacity; FDOT models that standard.
- iii. The size of all prime contracts awarded by the County will be analyzed to determine the capacity needed to perform the average awarded prime contract.

The County's construction, architecture and engineering, professional services, and goods and other services contracts will be analyzed to determine the size of awarded contracts to gauge the capacity required to perform on the County's contracts. For the size analysis, the County's contracts will be grouped into eight dollar ranges.¹⁰³ Each industry will be analyzed to determine the number and percentage of contracts that fall within the eight size categories. The size distribution of contracts awarded to non-M/WBEs will be compared to the size distribution of contracts awarded to M/WBEs.

¹⁰⁰ *Id.* at 1582.

¹⁰¹ *Id.*

¹⁰² 6 F.3d 990 (3d Cir. 1993), on remand, 893 F. Supp. 419 (E.D. Penn. 1995), *affd*, 91 F.3d 586 (3d Cir. 1996).

¹⁰³ The eight dollar ranges are \$1 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1,000,000 to \$2,999,999; and \$3,000,000 and greater.



C. Anecdotal Evidence

In *Croson*, Justice O'Connor opined that "evidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lend support to a local government's determination that broader remedial relief is justified."¹⁰⁴ Anecdotal evidence should be gathered to determine if minority contractors are systematically being excluded from contracting opportunities in the relevant market area. Remedial measures fall along a sliding scale as determined by their intrusiveness on non-targeted groups. At one end of the spectrum are race-neutral measures and policies, such as outreach to the M/WBE community, which are accessible to all segments of the business community regardless of race. They are not intrusive, and in fact require no evidence of discrimination before implementation. Conversely race-conscious measures, such as set-asides, fall at the other end of the spectrum and require a larger amount of evidence.¹⁰⁵

Anecdotal evidence will not suffice alone to establish the requisite predicate for a race-conscious program. Its value lies in pointing to remedies that are "narrowly tailored," the second prong of a *Croson* study. The following types of anecdotal evidence have been presented and relied upon by the Ninth Circuit, in both *Coral Construction* and *AGCC II*, to justify the existence of an M/WBE program:

- M/WBEs denied contracts despite being the low bidders—*Philadelphia*¹⁰⁶
- Prime contractors showing MBE bids to non-minority subcontractors to find a non-minority firm to underbid the MBEs—*Cone Corporation v. Hillsborough County*¹⁰⁷
- M/WBEs' inability to obtain contracts for private sector work—*Coral Construction*¹⁰⁸

¹⁰⁴ *Croson*, 488 U.S. at 509. The Court specifically cited to *Teamsters*, 431 U.S. at 338.

¹⁰⁵ Cf. *AGCC II*, 950 F.2d at 1417-18 (in finding that an ordinance providing for bid preferences was narrowly tailored, the Ninth Circuit stated that the program encompassed the required flexibility and stated that "the burdens of the bid preferences on those not entitled to them appear relatively light and well distributed. . . . In addition, in contrast to remedial measures struck down in other cases, those bidding have no settled expectation of receiving a contract.

¹⁰⁶ *Philadelphia*, 6 F.3d at 1002.

¹⁰⁷ *Cone Corporation v. Hillsborough County*, 908 F.2d at 916 (11th Cir.1990).

¹⁰⁸ For instance, where a small percentage of an MBE or WBE's business comes from private contracts and most of its business comes from race or gender-based set-asides, this would demonstrate exclusion in the private industry. *Coral Construction*, 941 F.2d 910 at 933 (WBE's affidavit indicated that less than seven percent of the firm's business came from private contracts and that most of its business resulted from gender-based set-asides).



- M/WBEs told that they were not qualified, although they were later found to be qualified when evaluated by outside parties—*AGCC*¹⁰⁹
- Attempts to circumvent M/WBE project goals—*Concrete Works I*¹¹⁰
- Harassment of M/WBEs by an entity's personnel to discourage them from bidding on an entity's contracts—*AGCC*¹¹¹

Courts must assess the extent to which relief measures disrupt settled “rights and expectations” when determining the appropriate corrective measures.¹¹² Presumably, courts would look more favorably upon anecdotal evidence, which supports a less intrusive program than a more intrusive one. For example, if anecdotal accounts relate experiences of discrimination in obtaining bonds, they may provide sufficient evidence to support a bonding program that assists M/WBEs. However, these accounts would not be evidence of a statistical availability that would justify a race-conscious program such as a set-aside.

The Eleventh Circuit applied the “clearly erroneous” standard to its review of the district court’s decision in *Dade County*. The Court commented that “[t]he picture painted by the anecdotal evidence is not a good one.”¹¹³ However, it held that this was not the “exceptional case” where, unreinforced by statistics, the anecdotal evidence was enough.¹¹⁴

The court has held that 14 anecdotal accounts will not suffice.¹¹⁵ While the matter is not free of countervailing considerations, 57 accounts, many of which appeared to be of the type referenced above, were insufficient to justify the program in *Coral Construction*. The number of anecdotal accounts relied upon by the district court in approving Denver’s M/WBE program in *Concrete Works I* is unclear, but by one count the number might have exceeded 139.¹¹⁶ It is, of course, a matter of speculation as to how many of these

¹⁰⁹ *AGCC II*, 950 F.2d at 1415.

¹¹⁰ *Concrete Works*, 36 F.3d at 1530.

¹¹¹ *AGCC II*, 950 F.2d at 1415.

¹¹² *Wygant*, 476 U.S. at 283.

¹¹³ *Engineering Contractors Ass’n of South Florida v. Metropolitan Dade County*, 943 F.Supp 1546 (S.D. Fla. 1996), aff’d, 122 F.3d 895 (11th Cir. 1997).

¹¹⁴ *Id.* at 926.

¹¹⁵ *Philadelphia*, 6 F.3d. at 1002-03.

¹¹⁶ The Denver City Council enacted its M/WBE ordinance in 1990. The program was based on the results of public hearings held in 1983 and 1988 at which numerous people testified (approximately 21 people and at least 49 people, respectively), and on a disparity study performed in 1990. See *Concrete Works of Colorado v. Denver*, 823 F.Supp. 821, 833-34. The disparity study



accounts were considered by the court for approval of Denver's M/WBE program.

Furthermore, the amount of anecdotal evidence that a court would likely find acceptable may depend on the remedy in question. Remedies that are the least burdensome to non-targeted groups would likely require a lesser degree of evidence. Those remedies that are more burdensome on the non-targeted groups would require a stronger factual basis likely extending to verification.

One-on-one in-depth anecdotal interviews will be conducted with 50 business owners domiciled in the County. The business owners will be solicited to provide their experiences working with the County or trying to navigate the County's procurement process.

D. Disparity Analysis

The statistical analysis for prime contracts and subcontracts will be analyzed separately pursuant to the relevant case law. The *Croson* Court made it clear that both prime contracting and subcontracting data were relevant. The Court observed that "[w]ithout any information on minority participation in subcontracting, it is quite simply impossible to evaluate overall minority representation in the city's construction expenditures."¹¹⁷ Subcontracting data also provide an important means by which to assess suggested future remedial actions. Since contract award decisions are made by different entities for the awarding of prime contracts versus subcontracts, the analyses must be performed separately. Remedies for identified discrimination could potentially be different for prime contracts versus subcontracts as well.

A disparity between the utilization and availability of M/WBEs via statistical evidence may be demonstrated in a number of ways. First, the number of M/WBEs utilized by an entity can be compared to the number of available M/WBEs. This is a strict *Croson* "disparity" formula. A significant statistical disparity between the number of M/WBEs that an entity utilizes in a given product/service category and the number of available M/WBEs in the relevant market area offering the specified product/service category would give rise to an inference of discriminatory exclusion.

Second, M/WBE dollar participation can be compared to M/WBE availability. This comparison could show a disparity between the award of contracts by an entity in the relevant locality/market area to available non-minority contractors and the award of

consultant examined all of this preexisting data, presumably including the anecdotal accounts from the 1983 and 1988 public hearings, as well as the results of its own 69 interviews, in preparing its recommendations. *Id.* at 833-34. Thus, short of analyzing the record in the case, it is not possible to determine a minimum number of accounts because it is not possible to ascertain the number of consultant interviews and anecdotal accounts that are recycled statements or statements from the same people. Assuming no overlap in accounts, however, and also assuming that the disparity study relied on prior interviews in addition to its own, the number of M/WBEs interviewed in this case could be as high as 139, and, depending on the number of new people heard by the Denver Department of Public Works in March 1988 (*see id.* at 833), the number might have been even greater.

¹¹⁷ *Croson* 488 U.S. at 503



contracts to M/WBEs. Thus in *AGCC II*, an independent consultant's study compared the number of available MBE prime contractors in the construction industry in San Francisco with the amount of contract dollars awarded to San Francisco-based MBEs over a one-year period. The study found that available MBEs received far fewer construction contract dollars in proportion to their numbers than their available non-minority counterparts.

Whether a disparity index supports an inference that there is discrimination in the market turns not only on what is being compared, but also on whether any disparity is statistically significant. In *Croson*, Justice O'Connor opined, "[w]here the gross statistical disparities can be shown, they alone, in a proper case, may constitute a prima facie proof of a pattern or practice of discrimination." However, the Court has not assessed nor attempted to cast bright lines for determining if a disparity index is sufficient to support an inference of discrimination. Rather, the analysis of the disparity index and the finding of its significance are judged on a case-by-case basis.

E. Consideration of Race and Gender-Neutral Options

A remedial program must address the source of the disadvantage faced by minority businesses. If it is found that race discrimination places MBEs at a competitive disadvantage, an MBE program may seek to counteract the situation by providing MBEs with a counterbalancing advantage.¹¹⁸

On the other hand, an MBE program cannot stand if the sole barrier to minority or woman-owned business participation is a barrier which is faced by all new businesses, regardless of ownership.¹¹⁹ If the evidence demonstrates that the sole barrier to M/WBE participation is that M/WBEs disproportionately lack capital or cannot meet bonding requirements, then only a race-neutral program of financing for all small firms would be justified.¹²⁰ In other words, if the barriers to minority participation are race-neutral, then the program must be race-neutral or contain race-neutral aspects.

The requirement that race-neutral measures be considered does not mean that they must be exhausted before race-conscious remedies can be employed. The district court wrote in *Hershell Gill Consulting Engineers, Inc. v. Miami-Dade County*:

The Supreme Court has recently explained that although "narrow tailoring does not require exhaustion of every conceivable race-neutral alternative"

¹¹⁸ *AGCC II*, 950 F.2d at 1404.

¹¹⁹ *Croson*, 488 U.S. at 508.

¹²⁰ *Id.* at 507.



it “does require serious, good faith consideration of workable race-neutral alternatives that will achieve ... diversity[.]” *Grutter*, 123 S.Ct, at 2344, 2345. The County has failed to show the necessity for the relief it has chosen, and the efficacy of alternative remedies has not been sufficiently explored.¹²¹

If the barriers appear race-related but are not systemic, then the remedy should be aimed at the specific arena in which exclusion or disparate impact has been found. If the evidence shows that in addition to race-neutral capital and bonding requirements MBEs also face race discrimination in the awarding of contracts, then a race-conscious program will stand, so long as it also includes race-neutral measures to address the capital and bonding barriers.¹²²

The Ninth Circuit Court of Appeals in *Coral Construction* ruled that there is no requirement that an entity exhaust every possible race-neutral alternative.¹²³ Instead, an entity must make a serious, good faith consideration of race-neutral measures in enacting an MBE program. Thus in assessing MBE utilization, it is imperative to examine barriers to MBE participation that go beyond “small business problems.” The impact that implemented programs designed to improve MBE utilization have had on the distribution of contracts should also be measured.¹²⁴

III. ADMINISTRATIVE REVIEW

A. Engineering Contractors Association of Southern Florida v. Metropolitan Dade County¹²⁵

The impetus for this 11th Circuit appeals case was the challenge to the Equal Protection Clause regarding the County’s three affirmative action programs. The programs were designed to increase the participation of M/WBEs on the County’s construction projects. The three affirmative action programs included the Black Business Enterprise

¹²¹ *Hershell Gill*, 333 F.Supp. 2d 1305, 1330 (S.D.Fla. 2004).

¹²² *Id.* (upholding MBE program where it operated in conjunction with race-neutral measures aimed at assisting all small businesses).

¹²³ *Coral Construction Co. v. King County*, 941 F.2d 910 (9th Cir. 1991).

¹²⁴ *Dade County*, 122 F.3d at 927. At the same time, the Eleventh Circuit’s caveat in *Dade County* should be kept in mind: “Supreme Court decisions teach that a race-conscious remedy is not merely one of many equally acceptable medications that a government may use to treat race-based problems. Instead, it is the strongest of medicines, with many potentially harmful side-effects, and must be reserved to those severe cases that are highly resistant to conventional treatment.” For additional guidance, see *supra* the discussion of narrow tailoring in *Concrete Works*, *Adarand*, *County of Cook*, and *City of Chicago*.

¹²⁵ 122 F.3d 895 (11th Circuit 1997).



program,¹²⁶ the Hispanic Business Enterprise program,¹²⁷ and the Women Business Enterprise program.¹²⁸

The affirmative action programs applied to construction categories within three Standard Industry Classification (SIC) codes. These codes included general building construction, heavy construction other than building construction, and specialty trade construction (i.e., electrical, plumbing, heating, ventilation, and air conditioning). Participation goals were set at 15 percent for Black Business Enterprises, 19 percent for Hispanic Business Enterprises, and 11 percent for Women Business Enterprises for construction contracts valued in excess of \$25,000.

The Black Business Enterprise program was challenged in 1984 wherein the 11th Circuit upheld the program.¹²⁹ Relying on *Fullilove v. Klutznick*, the court ruled that the strict scrutiny standard was not applicable, along with any other standard of equal protection review.¹³⁰ A few years later the Supreme Court in *Croson* held that local and state affirmative action programs based on race must satisfy the strict scrutiny standard.¹³¹

As a result of the *Croson* decision, a second constitutional challenge was lodged against the County's Black Enterprise Program. Even though the case was settled in 1992 and dismissed with prejudice, evidence from that case was incorporated into the subsequent case challenging the County's three affirmative action program by claiming a violation of the Equal Protection Clause. The district court declared the three affirmative action programs unconstitutional and permanently enjoined them.

The district court held that the County had not shown the compelling government interest required to institute a race-conscious program. The court reasoned that the statistically significant disparities upon which the County relied disappeared when the size of the M/WBEs was taken into account.¹³²

B. Associated General Contractors v. Florida

In *Associated General Contractors (AGC) v. Florida*, a State statute required contractors doing business in Florida to make a good faith effort to meet the State's spending goals regarding race and gender. AGC argued that the race and gender

¹²⁶ Enacted in 1982 and amended in 1994.

¹²⁷ Enacted in 1994.

¹²⁸ Enacted in 1994.

¹²⁹ *South Florida Chapter of Associated General Contractors v. Metropolitan Dade County*, 723 F.2d 846 (11th Cir.1984).

¹³⁰ 448 U.S. 448, 100 S.Ct. 2758, 65 L.Ed.2d 902 (1980).

¹³¹ 488 U.S. 469, 493-95, 109 S.Ct. (1989)

¹³² *Engineering Contractors Association of South Florida, Inc. et al. v. Metropolitan Dade County*, 943 F. Supp. 1546 (S.D. Florida 1996).



preferences authorized by Florida Statute chapter 287.09451, et. seq. violated the Equal Protection Clause of the Fourteenth Amendment.

The Florida Legislature found that there was "evidence of a systemic pattern of past and continuing racial discrimination against minority business enterprises and a disparity in the availability and use of minority business enterprises in the state procurement system."¹³³ To combat this evidence, a race and gender-conscious remedial program was implemented to increase minority participation on the State's public contracts. The statute was implemented to support minority business suppliers on State contracts for commodities, services, and construction services. Thus spending goals for minority participation on State contracts were sanctioned by the statute.

AGC argued that the goals were impermissible racial and gender classifications because the State's program failed to meet the strict scrutiny constitutional standard. They claimed that the goals did not serve a compelling State interest and were not narrowly tailored pursuant to *Wygant v. Jackson Board of Education*.¹³⁴

To determine whether the State had a compelling government interest to remedy past or present discrimination, the Court reasoned that "the true test of an affirmative action program is usually not the nature of the government's interest, but rather the adequacy of the evidence of discrimination offered to show that interest."¹³⁵

The court ruled that the Florida State Legislature's argument set forth in Section 287.09451(1) for the spending goals was sufficient to justify a compelling governmental interest. Relying on *Croson*, the court reasoned that "where there is a significant disparity between the number of minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or the locality's prime contractors, an inference of discriminatory exclusion could arise."¹³⁶ Next, the court considered the issue of whether spending goals delineated in Florida Statute 287.09451(1) was narrowly tailored pursuant to the strict scrutiny standard. The Florida Senate Interim Project Report 2001-042 described the legislative history for Section 287.09451 and the utilization of minority business enterprises on the State's contracts. This evidence proffered by AGC in support of its motion for a summary judgment provided a sufficient basis to determine that the State's statute was not narrowly tailored to serve a compelling government interest.

The Northern District Court held that the Florida Statute violated the Equal Protection Clause because the spending goals were not narrowly tailored to further that interest.

¹³³ Florida Statutes, § 287.09451(1).

¹³⁴ 476 U.S. 267, 274, 106 S. Ct. 1842, 1847, 90 L. Ed. 2d 260 (1986) (plurality opinion) (racial classifications are only justified by a "compelling governmental interest" and that the means chosen to implement the classifications' purposes must be narrowly tailored to achieve the goal).

¹³⁵ *Ensley Branch, N.A.A.C.P. v. Seibels*, 31 F.3d 1548, 1565 (11th Cir. 1994).

¹³⁶ 488 U.S. at 509, 109 S. Ct. at 730.



Additionally, the State failed to present evidence that it had considered incorporating race-neutral means in order to accomplish its objectives.

IV. ANALYTICAL REVIEW OF FINDINGS OF DISCRIMINATION AGAINST M/WBES

In *Engineering Contractors Association of Southern Florida v. Metropolitan Dade County*, the defendant presented two statistical studies to buttress its defense of the challenged affirmative action programs.¹³⁷ Summaries of the two studies Wainwright and Brimmer are presented below.

A. Wainwright Study

The Wainwright Study focused on full-time self-employed persons working in the County's construction industry. The personal and financial characteristics of these self-employed individuals were analyzed utilizing the 1990 Public Use Microdata from the decennial census. The Study sought to determine whether African Americans, Hispanic Americans, and women enter the construction industry at lower rates than similarly situated Caucasian males. To answer this query, the study (1) "compared construction business ownership rates of M/WBES to those of non M/WBES," and (2) "analyzed disparities in personal income between M/WBES and non M/WBES."¹³⁸

The Study found that African Americans, Hispanic Americans, and women are less likely to own construction firms compared to similarly situated Caucasian males. Factors such as human capital, years of education, years of labor market experience, marital status, and English proficiency were considered to determine whether the groups studied were "similarly situated." The court rejected this methodology based on the ruling in *Croson* where the court determined that similar evidence regarding minority membership in a local contractors' association was deemed to be insufficient to establish "similarly situated".

The *Croson* court concluded that "there are numerous explanations for this dearth of minority participation, including past societal discrimination in education and economic opportunities as well as both Black and White career and entrepreneurial choices."¹³⁹ It was argued that Blacks may be disproportionately attracted to industries other than construction.¹⁴⁰ Thus, the 11th Circuit Court attacked the Wainwright Study by ruling that "it is unreasonable to assume that equality of opportunity will inevitably lead

¹³⁷ 122 F.3d 895 (11th Circuit 1997).

¹³⁸ *Engineering Contractors Association of Southern Florida v. Metropolitan Dade County*, 122 F.3d 895 (11th Circuit 1997).

¹³⁹ 488 U.S. at 509, 109 S. Ct. at 730.

¹⁴⁰ *Id.*



different groups with similar human and financial capital characteristics to make similar career choices.”¹⁴¹

The Study also found that the owners of M/WBEs in the construction industry earn less money than similarly situated Caucasian males by comparing the personal incomes of M/WBE construction contractors to non-M/WBE construction contractors through a regression analysis. Again, the 11th Circuit Court rejected the Study’s methodology because the business owner income component failed to account for the firm’s size. The Public Use Microdata was limited to data on the business owner and not the business. The authors of the study acknowledged this shortcoming and argued to the court that they “tried to approach the size and capacity issue from an individual [business owner] standpoint as best we could.”¹⁴² However, the court deemed that the lower court’s decision to assign less weight to the disparity identified by the personal income component as used in the Wainwright study was warranted.¹⁴³

B. Brimmer Study

The Brimmer Study focused solely on African American-owned construction firms. The Study sought to determine the existence of disparities when variables such as the sales and receipts of African American-owned construction firms in the County were compared with the same variables of all of the County’s construction firms. The data analyzed included business receipts from African American-owned construction firms during 1977, 1982, and 1987 from the Census Bureau’s Survey of Minority and Women-Owned Businesses (SMOBE) database.

The findings from the study revealed disparities for African American-owned construction firms. As with the Wainwright Study, the 11th Circuit agreed with the district court’s ruling that the identified disparities should be discounted because the methodology failed to consider the firm’s size. Furthermore, in 1982 the disparity indices for several SIC codes were above parity. The County countered this finding by arguing that the results were due to the heavy spending related to the federally funded Metrorail project that required the use of race-conscious goals. This argument was deemed meritless, however, because the Brimmer Study did not attempt to filter out the effect of the Metrorail project in calculating the disparity indices. This was premised on the belief that the data were not available from the SMOBE database.

V. CONCLUSION

As conveyed in the *Legal Summary*, the U.S. Supreme Court decisions of *Croson* and *Adarand* changed the legal landscape for business affirmative action programs. The U.S.

¹⁴¹ 11th Circuit referencing Local 28 of *Sheet Metal Works Int’l Ass’n v. EEOC*, 478 U.S. 421,494 (1986).

¹⁴² *Engineering Contractors Association of Southern Florida v. Metropolitan Dade County*, 122 F.3d 895 (11th Circuit 1997).

¹⁴³ 122 F.3d 895 (11th Circuit 1997).



Supreme Court altered the authority of local government to use local and federal funds to institute remedial race-conscious public contracting programs. The *Legal Summary* examined what *Croson* and its progeny require for the County to institute a constitutionally sound race and gender-conscious public contracting program.

The *Administrative Review* examined the salient case law in the 11th Circuit pertaining to M/WBE affirmative action programs. Although the cases were instructive at the time of their rulings approximately 16 years ago, the law governing race and gender-conscious affirmative action programs has since evolved dramatically.

In 2010, *H.B. Rowe Company (Rowe) v. Tippet* challenged the constitutionality of the North Carolina General Assembly's Statute 136-28.4 (Statute), promulgated in 1983.¹⁴⁴ The Statute set forth a general policy to promote the use of small, minority, physically handicapped, and women contractors in non-federally funded State construction projects. The 1983 Statute directed the North Carolina Department of Transportation (NCDOT) to encourage and promote the policy. Seven years later in 1990, the Statute was amended to include specific participation goals on state funded transportation construction contracts for minority and women-owned businesses.

As a result of the amendment, NCDOT created an M/WBE Program for non-federally funded highway and bridge construction contracts. The District court in *Rowe* ruled in favor of the plaintiff, stating that in order to implement race-conscious measures to remedy discrimination, the governmental entity must identify with "some specificity" the racial discrimination it seeks to remedy.¹⁴⁵ As a result of the District court decision, NCDOT suspended its M/WBE program in 1991.

In 2002, Rowe was denied an NCDOT contract because the company's bid included 6.6 percent women subcontractor participation and no minority subcontractor participation. NCDOT claimed that Rowe failed to meet the good faith effort requirements. A third study was commissioned in 2004 to again study minority and women contractor participation on the State's highway construction industry. Relying on the 2004 study, the North Carolina General Assembly amended Statute 136-28.4 in 2006. The principal modifications include:

- Remedial action should only be taken when there is a strong basis in evidence of ongoing effects of past or present discrimination that prevent or limit disadvantaged minority and women-owned businesses from participating as subcontractors in State funded projects.

¹⁴⁴ *H.B. Rowe Company v. Tippet*, 615 F.3d 233, Court of Appeals, Fourth Circuit (N.C.), July 22, 2010 (NO. 09-1050).

¹⁴⁵ *Rowe v. North Carolina Department of Transportation*, et. al, 589 F.Supp.2d 587, (Eastern District North Carolina, December 09, 2008).



- The minority/women classification was limited to those groups that suffered discrimination.
- A disparity study should be performed every five years to respond to changing conditions.
- The development of a sunset provision which is a measure that determines when the statute will cease to have effect after a specific date, unless further legislative action is taken to extend the law.

First, the court considered whether the statutory scheme as it relates to minorities survives the strict scrutiny standard. The circuit court reviewed the statistical evidence detailed in the 2004 disparity study to determine if the statutory scheme was based on strong statistical evidence to implement race-conscious subcontractor goals. The statistical evidence was also examined to determine if the statute's definition of minorities was over-inclusive by including minority groups that did not suffer discrimination pursuant to the statistical standards set forth in the 2004 disparity study.

The court did not consider whether the statistical methodology employed in the 2004 disparity study was sufficient to support a compelling state interest. The court noted and accepted that the statistical measure to determine whether the underutilization of minorities on the State's subcontracts was statistically significant was the disparity index. The 2004 disparity study calculated a disparity at .05 confidence level. A statistical calculation is significant at the .05 confidence level because the probability of that result occurring by chance is five percent or less.¹⁴⁶ The .05 confidence level is used in the social sciences as a marker of when a result is a product of some external influence rather than ordinary variation or sampling error.¹⁴⁷

The circuit court admonished that "the study itself sets out the standard by which one could confidently conclude that discrimination was at work," but the standard was not followed in the State's statutory scheme. The statistical evidence in the 2004 disparity study demonstrated that African American and Native American subcontractors were underutilized at a disparity index of .05. Hispanic American and Asian American subcontractors were also underutilized but not at a .05 confidence level. The 2004 Study determined that underutilization was not statistically significant.

¹⁴⁶ Fourth Circuit Court citing, *Research Methods and Statistics: A Critical Thinking Approach*, Sherri L. Jackson, (3ed. 2009).

¹⁴⁷ Fourth Circuit Court citing, *The Practice of Social Research*, Earl Babbie, (12th ed. 2010).



Therefore, the statutory scheme was ruled “narrowly tailored” to achieve the State’s compelling interest as it relates to African American and Native American subcontractors, but not Hispanic American and Asian American subcontractors. Thus, the State provided a strong basis in evidence for minority subcontractor participation goals pertaining to African American and Native American subcontractors.

Second, the court considered whether the statutory scheme as it relates to women survives the intermediate scrutiny standard. The evidence demonstrated that the State’s prime contractors “substantially over-utilized” women-owned businesses on public road construction projects. The 2004 disparity study calculated the overutilization of women subcontractors as statistically significant at a 95 percent confidence level.

In light of the *Rowe* decision, caution should be exercised when determining which minority or gender group should appropriately be considered for race or gender-conscious remedies. For an M/WBE program to be narrowly tailored there must be a statistical finding of underutilization of minority subcontractors. Where the underutilization of a minority group is not found to be statistically significant, the minority group should not be included in race-conscious remedies.

The intermediate scrutiny standard for gender classifications can be met with statistical evidence of underutilization that is not statistically significant. However, this does not apply when there is demonstrated overutilization. Women-owned businesses should be considered for gender-based remedies when the statistical evidence demonstrates that the overutilization is not statistically significant.

The *Analytical Review of Findings of Discrimination against M/WBEs* was limited to the Brimmer and Wainwright studies which were the only available data on discrimination against M/WBEs specifically pertaining to Miami Dade County. The data relied upon in those studies are now outdated.

However, the 11th Circuit court’s opinion of the regression analyses in the Studies is instructive. The methodology employed to conduct a regression analysis must account for the size and capacity of the similarly situated businesses under review. Without this data the findings from regression analysis will likely not persuade a judicial determiner of fact that the analysis is sound.

The methodologies employed in this Disparity Study adhere to the legal requirements as set forth in *Croson* and its progeny. Thus the results of this Disparity Study will serve as the factual predicate needed for the County to operate its race and gender-conscious affirmative action program within the confines of applicable state and federal laws.



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Appendix B: HISTORICAL DISCRIMINATION ANALYSIS

I. INTRODUCTION

The Disparity Study findings reported for Minority and Woman-owned Business Enterprises (M/WBEs) are based on a statistical analysis of utilization and availability. These findings are further contextualized with an examination of historical, economic, and anecdotal data to determine whether there is evidence that Miami Dade County is a passive participant in racial, disability, or gender discrimination. This chapter, *Historical and Sociological Review of Discrimination in Miami Dade County*, presents an historical and structural analysis of the conditions affecting minority and women's access to the educational and economic resources needed to start and operate businesses. The examination provides a crucial context for understanding the current business environment affecting M/WBE formation and development.

This chapter identifies and examines historical patterns and practices of discrimination involving government, the private sector, lending institutions, unions, and civic organizations, which have impeded the formation, growth, and utilization of M/WBEs. Further, it seeks to determine whether documented historical and socioeconomic discrimination in the public and/or private sector has had an adverse effect on the availability of financing for M/WBEs, and whether these practices have impeded the ability of M/WBEs to successfully compete for contracts within the County.

An historical approach was undertaken to demonstrate that existing inequalities rest upon a foundation of racial discrimination that has been built over many years in the United States generally, and specifically in the State of Florida and Miami-Dade County. This examination provides a broad historical overview and gives particular attention to the incorporation of the city of Miami in 1896, the Great Depression of the 1930s, the period of urban renewal beginning in the late 1940s, and the recent recession and related housing crisis. Social and historical events that took place during each these time periods disrupted the development of African American communities and the creation and expansion of African American businesses.

Asian American-owned businesses were not a significant part of the State's history until fairly recently, as these minorities represented a much smaller proportion of Miami-Dade County population than did African American and Caucasian residents. Hispanic Americans have a longer history in the region and after 1959 quickly grew to constitute a



considerable proportion of the population. However, for most of the 20th century, they were a relatively small group. Further, the initial refugees from Cuba in the 1960s were well supported financially by the federal government, and by the Small Business Administration in particular. Therefore, this historical report focuses primarily on the social and economic factors affecting the formation and development of African American businesses. This report also reviews social and economic factors specific to woman-owned businesses in the present, but focuses predominantly on the educational, political, and socioeconomic barriers to business development for African Americans.

According to the US Census Bureau, the population of Miami-Dade County (MDC) as of 2012 was just over 2.5 million, with approximately 400,000 people in the city of Miami. Approximately 16.3 percent of the population identifies as Caucasian (excluding Caucasian-Hispanic American), 64.3 percent identify as Hispanic or Latino, 19.2 percent identify as African American, and 1.7 percent identify as Asian. People identifying as two or more races make up 1.2 percent of the County population, while American Indian and Pacific Islanders make up 0.4 percent. MDC's African American population percentage places it above Florida's statewide average of 16.6 percent, its Hispanic American population is three times the state average of 23.2 percent, and the Asian American population is 4.3 percent.¹⁴⁸

According to data from 2007, the most recent Census data available, Miami-Dade is above the national average in minority-owned businesses for African Americans and Hispanic Americans but below the national average for Asian Americans. However, for African Americans and Hispanic Americans, the rate of business ownership is notably lower than the proportion of each group's population; African American-owned businesses account for 11.4 percent of all businesses in MDC in 2007, compared to nine percent in the State of Florida, and 7.1 percent nationally. For Asian Americans, the percentage of minority-owned businesses was 2.2 percent in the County, 3.2 percent in the State, and 5.7 percent nationally. Hispanic business ownership, in comparison, was 60.5 percent in the County, 22.4 percent in the State, and 8.3 percent nationally. Importantly, the Census data does not provide statistics for Caucasian and non-Caucasian Hispanics separately. Asian Americans, on the other hand, have a rate of business ownership that is slightly higher than the population proportion. The percentage of women-owned businesses matched the State and national averages of 28.9 percent.

This historical overview of social and economic conditions affecting minority-business ownership is based on a thorough review of available scholarships, news sources, official reports by government agencies, and legal case history. This review will cover the experiences of minorities throughout the U.S. generally—and within Miami-Dade, Florida, in particular—in order to contextualize the present-day status of their social and economic development.

¹⁴⁸ U.S. Census Bureau. "State & County Quick Facts: Miami-Dade County, Florida" <http://quickfacts.census.gov/qfd/states/12/1245000.html>



II. HISTORICAL OVERVIEW FROM THE COLONIAL PERIOD THROUGH THE 19th CENTURY

A. Historical Factors Affecting the Formation and Growth of M/WBEs

African Americans have faced considerable barriers to the business formation process through the institution of legal segregation and discrimination. These barriers have their origin in race relations shaped by chattel slavery practices in the United States. During this period, African Americans were subjected to both *de jure* and *de facto* discrimination—and to second-class citizenship within Miami-Dade County and across the United States—via systemic discrimination and economic repression. These historical factors, along with continued discrimination post-slavery, have had a significant impact on the formation of minority-owned businesses.

1. Colonial Period

Slavery's origins in the United States can be traced to the territory then known as La Florida. In 1565, the Spanish established the settlement of St. Augustine in northeast Florida and at Fort Caroline, both near modern-day Jacksonville. Pedro Menéndez de Avilés introduced 500 slaves to the St. Augustine colony during its first three years of development. The institution would persist for another 300 years before emancipation, providing ample time for systemic institutionalized racism to develop.¹⁴⁹ Still, St. Augustine's role in the history of slavery in Florida is complex, and reflects the broader struggles between European powers. In the 18th century, rebel slaves from surrounding British colonies such as South Carolina often sought refuge there, as Spanish missionaries at the time had promised liberation to any slave that escaped from a Protestant colony. In 1739 fugitive slaves built a fortress in St. Augustine as a defense against British attempts to recapture them.¹⁵⁰

2. Miami-Dade County during Slavery

Following a 300-year period of conflict between competing European colonial powers, the Florida region became a territory of the United States in 1819. In 1830 Richard Fitzpatrick purchased lands on the Miami River and established a slave plantation consisting of 60 slaves. Fitzpatrick, a prominent political figure in Florida politics at the time, abandoned his plantation with the onset of the Second Seminole War in 1835, part

¹⁴⁹ Junius P. Rodriguez, *Slavery in the United States: A Social, Political, and Historical Encyclopedia*, [2 Volumes] (Santa Barbara: ABC-CLIO, 2007), 287.

¹⁵⁰ *Ibid.*, 15.



of an overall depopulation of the region due to the hostilities.¹⁵¹ Although often neglected in accounts of the War, hundreds of fugitive slaves and black Seminoles participated, leading one prominent historian to refer to the War as perhaps “the largest slave uprising in the annals of North American history.”¹⁵² Writing in 1836, General Jesup, recently appointed commander of the Florida war effort, observed,

This [the Second Seminole War], you may be assured, is a negro, not an Indian War; and if it be not speedily put down, the south will feel the effects of it on their slave population before the end of the next season.¹⁵³

The point was underscored when Fitzpatrick’s overseer, James Wilson, had to literally force his employer’s slaves to flee with him as the Seminoles approached, lest they join with the Indians.¹⁵⁴

After the conclusion of the Second Seminole War in 1842 and the admission of Florida to the Union in 1845, cotton cultivation developed rapidly, and the slave population increased proportionally. According to the 1840 Florida census, there were 26,526 recorded slaves, and by the time of the Civil War, the number had increased by 133 percent to 61,750 slaves, or 44 percent of the total population of the state.

No reliable numbers exist of the total number of slaves that were brought into the Miami-Dade area prior to the Civil War.¹⁵⁵ However the settlement of the area and subsequent cultivation did make use of slave labor, even if limited in comparison with other regions of the state. Much of the cultivation in the early 19th century was done by small-scale farmers who owned few if any slaves.¹⁵⁶ Some effort to impose the more well-known plantation system were made, most notably by Fitzpatrick, for a time the largest slave holder in southern Florida. Fitzpatrick, from South Carolina attempted to implement the class and caste system associated with the plantation economy. Fitzpatrick is also notable for his efforts, in his role as a Justice of the Peace in Key West, in limiting the migration of free African Americans to southern Florida. He was particularly concerned, as a large

¹⁵¹ Paul S. George, “Miami: One Hundred Years of History,” *South Florida History*, Volume 24, No 2, Summer 1996. <http://www.historymiami.org/research-miami/topics/history-of-miami/>

¹⁵² Larry Eugene Rivers, *Slavery in Florida: Territorial Days to Emancipation*. Gainesville: University Press of Florida, 2000, 219.

¹⁵³ Hugo L. Black, “Richard Fitzpatrick’s South Florida, 1822-1840,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 41, 1981, 33-68.

¹⁵⁴ Arva Moore Parks, “Miami in 1876,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 30, 1975, 94.

¹⁵⁵ Joe Knetsch, and Paul S. George, “A Problematical Law: The Armed Occupation Act of 1842 and Its Impact on Southeast Florida,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 53, 1993, 64-80.

¹⁵⁶ Black.



slave holder, by the threat of slave insurrection, aided by freemen, and therefore hoped to keep the number of the latter low. It was on Fitzpatrick's plantation that the US Army established Fort Dallas in 1836, in response to attacks by the Seminoles and the start of the Second Seminole War.¹⁵⁷

It has been said that racism in Southern Florida in general was less severe than in other places in the South, perhaps due to the somewhat more tolerant attitudes of Spanish colonial Florida.¹⁵⁸ In 1888, Lemuel Livingston, commenting on the election of an African American county judge and sheriff, remarked that,

There are no attempts at bulldozing and intimidation during campaigns and at elections here. No negroes are murdered here in cold blood, and there are no gross miscarriages of justice against them as is so frequently seen throughout the South, to her everlasting shame and disgrace...A vigilance committee here would meet with the warmest kind of reception and a Ku Klux Klan would be unceremoniously run into the Gulf of Mexico or the Atlantic Ocean.¹⁵⁹

With the Second Seminole War, solutions were sought to extinguish the Seminole threat once and for all, and the migration and settlement of Caucasian families was seen as the most effective approach. The solution gained substantial traction in 1842 when Congress passed the Armed Occupation Act, the first of the nation's homesteading acts. It provided that anyone who settled in certain parts of East Florida could receive up to 160 acres of land. A total of 17 land grants were made in what is today Miami-Dade County, amounting to approximately 390 settlers (not including slaves).¹⁶⁰

Florida seceded from the Union on January 10, 1861, the third state to do so. When the Civil War began later that April, Union troops occupied many forts and cities along Florida's eastern coast. However, with the smallest population in the Confederacy, Florida was not a central figure in the conflict. Miami, geographically isolated and sparsely inhabited, was even less significant, though it was not entirely removed from the hostilities.¹⁶¹

¹⁵⁷ *Ibid.*

¹⁵⁸ Larry Rivers, and Cantor Brown, "African Americans in South Florida: A Home and a Haven for Reconstruction-era Leaders," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 56, 1996.

¹⁵⁹ *Ibid.*, 9

¹⁶⁰ Black.

¹⁶¹ James C. Staubach, "Miami During the Civil War," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 53, 1993, 31-63.



3. Miami-Dade Under Reconstruction

After the war, the entire South was in upheaval as the old racially-based social and economic hierarchy lurched and attempted to recover from the fundamental attack the war and emancipation had made on them. Newly freed former slaves who asserted themselves were subject to a vicious backlash by whites. Some commandeered abandoned property and forcefully resisted efforts to drive them off, in some instances driving former masters off plantations.¹⁶² Yet despite early efforts to change the fundamental distribution of resources in the state, land remained largely in white hands, and the Federal government made little effort to alter this basic reality. The result was that, for all intents and purposes, for many recently freed African Americans, returning to work on the plantation was one of the only options available.¹⁶³

Signaling the course that Florida would steer post-Civil War, the state's governor, George Drew, elected in 1877, was a wealthy Northern industrialist with views of African Americans that were quite at home in the South. Drew saw African Americans as childlike, irresponsible, and immoral, suited for little more than manual labor. The election of a Northerner to such a high office was part of a broader knitting together of the North and South post-slavery.¹⁶⁴

African Americans found themselves at a disadvantage due to severe laws passed during slavery that constrained their opportunities after its demise. These laws had prohibited slaves from learning skilled work, which inhibited their ability to take advantage of existing opportunities in the professions. Of particular note is the difficulty that free African Americans had in obtaining land, despite a clear desire to do so and the importance of land redistribution in reforming the social and political order of the South. Freed slaves faced four major obstacles in obtaining land: 1) the low quality of available homesteads, 2) White violence that drove them off their property, 3) Resistance by landowners to freemen becoming independent of the plantation system, and 4) the White land monopoly.¹⁶⁵

Florida was one of the first states to require segregation of African Americans and Caucasians on railroad cars in the late 1880s. "Jim Crow" laws led to such an intense social bifurcation that "not only were the schools segregated, but the state law went so far as to require that schoolbooks used by black students and those used by white students be

¹⁶² Adam Wasserman, *A People's History of Florida 1513-1876: How Africans, Seminoles, Women, and Lower Class Whites Shaped the Sunshine State*, (Online Edition, 2009), 388.

¹⁶³ *Ibid.*

¹⁶⁴ Wasserman, *A People's History of Florida*, 476.

¹⁶⁵ *Ibid.*, 418.



stored in separate facilities when not issued to students.”¹⁶⁶ These laws had severe, long lasting consequences, and were only declared unconstitutional in 1965.

a. Labor Conditions and Organizing During the Reconstruction Era

Though legally free, many African Americans were economically dependent on the plantations on which they had previously been enslaved. Many African Americans acquiesced to the Caucasian economic monopoly due to their inability to provide skilled labor, as previous legislation had prevented slaves from learned skilled tasks. However, a small but growing subset sought employment in the industrial sectors. These individuals needed legal protection from being overworked and underpaid, but the government instead concerned itself with the Caucasian majority. Not ready to abandon the social structure of slavery, the legislature introduced a series of restrictions and regulations that came to be known as the “Black Codes” of 1866. Among other things, the Black Codes played a key role in the regulation of African American labor. According to these laws, employee disobedience or insubordination from an African American laborer to his or her employer resulted in a charge of vagrancy. A sentence of vagrancy consisted of twelve months of forced labor, and generally applied to the breaking of a work contract:

[W]hen any person of color shall enter into a contract as aforesaid, to serve as a laborer for a year, or any other specified term, on any farm or plantation in this State, if he shall refuse or neglect to perform the stipulations of his contract by willful disobedience of orders, wanton impudence, or disrespect to his employer or his authorized agent, failure or refusal to perform the work assigned to him, idleness, or abandonment of the premises or the employment of the party with whom the contract was made, he or she shall be liable, upon the complaint of his employer, or his agent, made under oath before any justice of the peace of the county, to be arrested and tried before the criminal court of the county, and upon conviction shall be subject to all the pains and penalties proscribed for the punishment of vagrancy.¹⁶⁷

Furthermore, the convicted laborer’s children would become apprentices at the disposal of the state. If African Americans could not afford their court costs and fines, they were sold in a public auction for a year’s term of unpaid labor.¹⁶⁸ The Black Codes served to

¹⁶⁶ Wasserman, *A People's History of Florida*, 472.

¹⁶⁷ “A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates,” 1774–1875 *Congressional Globe*, Senate, 39th Congress, 1st Session, page 443. The Library of Congress. <http://memory.loc.gov/cgi-bin/ampage? collId =llcg&fileName=070/llcg070.db&recNum=548>

¹⁶⁸ Wasserman, *A People's History of Florida*, 515.



prolong slavery in the post-war era and prevented African Americans from receiving fair access to the labor market.

The labor market was also racially structured via the convict-leasing system. Through this system, prison inmates were leased to private companies as a means of providing labor. Enacted by the 1871 legislature ostensibly as a rehabilitative measure, the system disproportionately affected African Americans, who by the end of the 19th century constituted 90 percent of state convicts.¹⁶⁹ Though the convict-leasing program ended in 1923, it continued to stifle African American political gains. Furthermore, it severely hampered African American efforts to secure gainful employment and to demand acceptable working conditions, as these individuals competed with a free source of labor with little to no restriction on the nature of the work performed. In the 1870s African American laborers began to organize as they expressed dissatisfaction with long work hours, low wages, the high demands of their jobs, and consistent exclusion from Caucasian labor organizations. Florida native and civil rights leader Timothy Fortune noted:

There is no fact truer than this, that the accumulated wealth of the land, and the sources of power, is fast becoming concentrated in the hands of a few men, who use that wealth and power to the debasement and enthrallment of the wage workers.¹⁷⁰

By keeping labor at a low cost and easily dispensable in order to favor existing business practices and ownership, African American industrial laborers were subject to numerous hardships, including high employment turnover, low wages, and a lack of bargaining power over working conditions and terms of employment. Responding to unjust conditions, lumber mill workers organized the Labor League in 1873 to force employers to make concessions. The Labor League demanded increased pay and a standard ten-hour workday, relatively moderate for the time, given that Northern laborers were demanding an eight-hour workday at the same time. The Labor League's protest was unsuccessful after Caucasian strike breakers were brought in to continue their work, but the effects of the protest remained substantial as more African Americans were inspired to form unions and to protest unfair working conditions.

b. Civic Involvement and Caucasian Backlash

The end of the Civil War saw the rapid emergence of an African American political class. In 1865, African Americans petitioned Florida's seventh governor, William Marvin, to extend the vote to African Americans. Furthermore, many Caucasian Union sympathizers and recently immigrated Northerners formed Republican Party clubs that served to attract

¹⁶⁹ Wilbur R. Miller, *The Social History of Crime and Punishment in America: An Encyclopedia*, (London: SAGE, 2012), 633.

¹⁷⁰ Wasserman, *A People's History of Florida*, 494.



and encourage political participation amongst the growing African American populations.¹⁷¹ These clubs worked tirelessly to mobilize African American voters. In 1865 these clubs were able to register 65 percent of eligible African American voters, providing their efforts with a considerable numerical advantage over their Caucasian counterparts.¹⁷²

In South Florida, “black leaders held public office in the region, participating in decisions and political initiatives that had state and national, as well as local, implications” though restrictions on African American political involvement tightened considerably after 1880.¹⁷³ In Dade County for example, African American Andrew Price served two terms as county commissioner, between 1869-1873 and again between 1874-1876, while Alexander C. Lightbourn, Sr. represented the County at the state Republican convention and sat as a representative on the state Republican Executive Committee.¹⁷⁴

As Reconstruction ended, however, the political rights of African Americans were rolled back, including their right to vote. By preventing African Americans from voting Caucasian businessmen were able to maintain their social and economic power by dominating the market place. In an effort to make Florida as “business-friendly” as possible, these constituents fought against African American demands for higher wages, voting rights, and economic opportunities—such as land ownership—and leveraged their strong political power to shape voting laws.¹⁷⁵ Through the institution of a poll tax in 1885 and the redefinition of district boundaries in 1907 Caucasians effectively reduced African American political representation throughout the state

¹⁷¹ Alton Hornsby, Jr., *Black America: A State-by-State Historical Encyclopedia*, (Santa Barbara: ABC-CLIO, 2011), 177.

¹⁷² Abel A. Bartley, *Keeping the Faith: Race, Politics, and Social Development in Jacksonville Florida 1940-1970*, (Westport: Greenwood Press, 2000), 5.

¹⁷³ Rivers & Brown, 5.

¹⁷⁴ *Ibid.*

¹⁷⁵ Paul Ortiz, *Emancipation Betrayed*, (London: University of California Press, 2005), 11.



III. THE TURN OF THE CENTURY, WORLD WAR I, AND THE GREAT DEPRESSION

A. The Emergence of Miami

At the close of the 19th century the Miami-Dade region was still sparsely populated, numbering just a few thousand people.¹⁷⁶ Little had actually changed in the region in the 300 years since the arrival of Spanish missionaries, and as Arva Moore Parks has commented, if there was any pattern of development here, it was the pattern of failure.

Through the years a succession of individuals had come to this jungle land of uncertainty, wavering hopes and hardships. However, every time a real attempt at settlement was made, something occurred that interrupted it.¹⁷⁷

A visitor from Staten Island, Ralph Monroe, passing through the area in 1877 noted the region was not just cutoff from the rest of the state, but also lacking in modern development:

There was no more isolated region to be found and scarcely any less productive...the few hardy settlers depended mainly on the products of the sea, together with plentiful game, for food. Green turtle and fish of all kinds were unlimited, the Indians brought in venison, bear, wild turkey, terrapin, gopher...the surest and easiest way of raising money was by the manufacture of coontie (or comptie) starch, from the roots of a small palm like plant (Zamia) which grew in the pine woods in crannies of the stubborn rocky surface...every family, except those of the two storekeepers, had its little mill.¹⁷⁸

Although it may not have seemed like it, the region was in fact poised to grow considerably in the next few decades, leading up to the founding of the city of Miami in 1896. There were numerous efforts to expand settlement in the area, and to encourage larger scale developments. One typical attempt was made by Settler Henry Perrine and his family. Perrine hoped:

...[to settle] the grant his father had received in 1837. Perrine and his sister, Mrs. James E. Walker, had printed an eighteen-page pamphlet entitled “Biscayne Bay, Dade County, Florida,” for the purpose of enticing

¹⁷⁶ Paul S. George, “Miami: One Hundred Years of History,” <http://www.historymiami.org/research-miami/topics/history-of-miami/>

¹⁷⁷ Moore, 89.

¹⁷⁸ *Ibid.*, 111.



settlers to this grant. In fact, in order to get clear title to the grant the Perrines had to settle the land and grow tropical fruits there.¹⁷⁹

In the end Perrine's efforts failed, but his efforts, and others like them, were part of a wave of settlements towards the end of the century that would eventually succeed and give the County a solid population base and economy.

The central figures in bringing this to fruition were Julia Tuttle and the Brickell family—local landowners—and Henry Flagler, a wealthy railroad owner whose fortune was tied to an earlier relationship with Standard Oil and John Rockefeller.¹⁸⁰ As the historian Paul George writes, in the mid 1890s, Flagler

...was extending his railroad south along Florida's east coast, and developing cities and resorts along the way. In 1894, Flagler's railway entered West Palm Beach. During the following year, in the wake of two devastating freezes that wreaked havoc on Florida's farm crops but failed to reach Miami, Flagler met with Julia Tuttle. He agreed to extend his railway to Miami in exchange for hundreds of acres of prime real estate from Tuttle and the Brickells.

Additionally, the great industrialist agreed to lay the foundations for a city on both sides of the Miami River and build a magnificent hotel near the confluence of the river and Biscayne Bay. Flagler had been quietly planning this extension long before his fateful meeting with Tuttle, since he wanted to bring his railroad all the way to Key West and link it with other parts of his vast system, which included a steamboat line and a resort in the Bahamas. The first train entered Miami on April 13, 1896. By then a city was arising on both sides of the Miami River.¹⁸¹

The city of Miami was formally incorporated on July 28, 1896. The first person to sign the original city charter was W.H. Artson, an African American.¹⁸² The population of the city at the time was approximately 3,000, with about a quarter of those being African American.¹⁸³

¹⁷⁹ *Ibid.*, 112

¹⁸⁰ Larry Wiggins, "The Birth of Miami," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 55, 1995, 5-38.

¹⁸¹ George.

¹⁸² Kevin M. McCarthy, *African American Sites in Florida*, (Sarasota, FL.: Pineapple Press, 2007), 162

¹⁸³ Rivers & Brown.



The city's early years proved challenging. The business district was almost completely destroyed by fire toward the end of 1896, and troops stationed in Camp Miami during the Spanish-American War of 1898 threatened the residents of the small community, particularly its African Americans. A yellow fever epidemic the next year forced many families out of their homes to seek temporary, safe housing until the disease subsided. Despite these setbacks, the city grew rapidly after incorporation, driven by an economy based primarily on tourism and agriculture.¹⁸⁴

African Americans had played an important role leading up to and including the emergence of Miami as a city. Indeed, African American workers cleared land, laid rails, and even did the original on-site groundbreaking in the lead up to the city's incorporation when Flagler decided to extend his Florida East Coast Railway from Palm Beach to Miami. The railway reached Miami at the end of April, 1896.¹⁸⁵

A survey indicated there were 424 registered voters in the area, of whom 243 were Caucasian, and 182 were African American. Two-thirds of these voters would need to participate for the vote on incorporation to be valid according to the law. On July 28th, 370 voters gathered to vote on incorporation, 208 of whom were Caucasian and 162 who were African American. The vote to incorporate was unanimous. John B. Reilly was then elected mayor with 341 votes.¹⁸⁶ The election was not without intrigue. John Sewell, Flagler's head of the railway workers, admitted that he worked prior to the election to stack the ticket with the railroad tycoon's men. On election day he mobilized what he referred to as his "black artillery", a group of 100 African American men he had registered to vote that he called on for emergencies; in this case to save one of Flagler's candidates.¹⁸⁷

Miami's African American community grew from the base of laborers that had helped to build the city originally, and was shaped by the deep racism of the time. As Raymond Mohl writes:

From Miami's origins in the 1890s, the city's African American population had been subjected to second-class citizenship, denied equal educational and job opportunities, and confined residentially to a few segregated areas of mostly run-down rental housing controlled by politically powerful slumlords.¹⁸⁸

¹⁸⁴ George.

¹⁸⁵ Dorothy Jenkins Fields, "Reflections on Black History: Miami's Incorporation." *Update*, August 1976, 10.

¹⁸⁶ Wiggins, 26.

¹⁸⁷ Fields.

¹⁸⁸ Raymond A. Mohl, "Elizabeth Virick and the 'Concrete Monsters': Housing Reform in Postwar Miami," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 51, 2001, 5-6.



When Flagler extended the railroad to Miami in the 1890s, he needed a place for his workers to live. African American workers were not allowed to reside in Caucasian communities. Most were concentrated west of the tracks between what is today NW Sixth and 12th streets. This became known as “Colored Town” and later Overtown. This was the only place in the city limits that land deeds would allow African Americans to live.¹⁸⁹ By 1915 most of the city’s 5000 African American residents lived here, with others in smaller enclaves including Coconut Grove. In a pattern repeated across the country, these neighborhoods generated dynamic cultural, political and economic activity even as poverty and overcrowding contributed to deteriorated living conditions. The main street of “Colored Town” for example, boasted over 100 businesses and a Colored Board of Trade which encouraged African Americans to open their own businesses. The community also had six doctors, pharmacists, an attorney, grocers, tailors, dressmakers, repairmen, and two undertakers.¹⁹⁰

B. A New Century and the Great War

While African Americans experienced moderate advances in industrial labor opportunities, civic engagement, education and politics, heavy and swift was the backlash from angry Caucasians. This manifested in the rise of personally meditated acts of racism, many perpetrated by the infamous Ku Klux Klan, whose national membership reached four million by 1925. Nationally, by conservative estimates, 4,733 African Americans were lynched and killed, and countless others were otherwise intimidated by violence.¹⁹¹

In addition to personally meditated acts of racial violence, racial tensions were further spurred by a surge of oppressive legislation. These “Jim Crow” laws limited the economic and social advancement and voting rights of African Americans. With the introduction of “Jim Crow” and the start of the Great Depression, the Klan activity dwindled except for a few prominent klaverns in Jacksonville, Miami, Orlando, and Tampa. Together, these cities had an estimated membership of 30,000.¹⁹²

“Jim Crow,” the state-sponsored infringement on civil rights and liberties—along with the entrapment of African Americans generally in racially unjust and inhumane living and working conditions—motivated many thousands of African Americans to seek relief,

¹⁸⁹ George.

¹⁹⁰ McCarthy, 163.

¹⁹¹ “1959 Tuskegee Institute Lynch Report”, Montgomery Advertiser; April 26, 1959, re-printed in *100 Years Of Lynching* by Ralph Ginzburg (1962, 1988).

¹⁹² <http://www.pbs.org/harrymoore/terror/k.html>



safety and opportunity in the northern United States and Canada. This geographic shift, spawned by social conditions in the South in the first half of the 20th century, is known as the “Great Migration.”

While the United States struggled to deal with issues associated with race relations domestically, several European countries were embroiled in World War I, a conflict so destructive compared to anything previously known that it was at the time referred to as the Great War. The U.S.’ original stance was a policy of non-intervention; however, on April 6, 1917, President Woodrow Wilson and Congress declared war on Germany. The African American response varied. Some leaders discouraged the community’s involvement in the war, opposed to fighting for a county in which African American residents did not have equal access to civil rights and liberties. Other community leaders saw it as an opportunity for African Americans to gain equal footing in society, and encouraged involvement. To this end, more than one million African Americans responded to their draft calls, and 370,000 African American troops were inducted into the Army.¹⁹³ Although many African Americans answered the call of service, many of them did not see combat. They instead provided support services and industrial labor, and played in jazz bands. Nevertheless, African Americans were eager to serve their country and remained hopeful of equitable treatment, opportunities and benefits upon their return home.

The end of World War I marked an important turning point for African Americans nationally. The nearly 200,000 returning African American soldiers had witnessed more equitable social relations across race in Europe, and had risked their lives in defense of democracy abroad. The continued existence of Jim Crow laws in the south and other forms of racial discrimination in the north further fueled civil rights activism several decades before the Civil Rights movement.

These events posed an important backdrop for the circumstances of African Americans in a rapidly growing Miami. The city’s population reached almost 5,500 by 1910, and Miami saw strong growth in its tourist economy and in new business development. The drainage of the Everglades also fuelled a booming real estate market across southeast Florida “as large speculators purchased millions of acres of reclaimed land from the State of Florida, then marketed it aggressively in many parts of the nation.”¹⁹⁴ The growth in population was in part driven by an enormous influx of immigrants from the Bahamas: “Between 1900 and 1920, ten to twelve thousand Bahamians, approximately twenty per cent of that country’s population, immigrated to Florida.”¹⁹⁵ The African American areas of Miami, Colored Town and Coconut Grove in particular, were profoundly affected.

¹⁹³ <http://memory.loc.gov/ammem/aahtml/exhibit/aopart7.html>

¹⁹⁴ George.

¹⁹⁵ Roderick Waters, “Dr. William B. Sawyer of Colored Town,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 57, 1997, 67-84.



According to Roderick Waters, “Colored Town’s population rose rapidly due to the large Bahamian—and to a lesser degree Jamaican and Haitian immigration—coupled with a high birth rate.”¹⁹⁶ But growing numbers presented a problem given the restrictions and neglect that shaped African American life. Roderick continues,

Although Colored Town at times contained at least twenty-five percent of Miami's population, it did not receive its fair proportion of city improvements. The quarter possessed inadequate streets, drainage and sewage collection, and lacked fresh water. This and the quarter’s overall impoverishment contributed to epidemics of yellow fever, influenza, small pox and venereal diseases. Although the birth rate was high in Colored Town, its infant mortality rate, twice that of white Miami, was higher still.¹⁹⁷

The situation for African Americans in Miami had in fact declined considerably since the end of the Civil War, in large part due to the backlash by Caucasians. As the historian Paul George has documented,

After incorporation, the city upheld state segregation statutes, passed its own Jim Crow ordinances, and consigned blacks to cramped quarters with inadequate municipal services. Miami’s white citizens vigilantly resisted black movement into their neighborhoods, administered a dual system of justice, and countenanced white terrorism of blacks.¹⁹⁸

The political disenfranchisement of African Americans was a stark contrast to the role that they played in local politics throughout the latter half of the 19th century, up to and including the incorporation of the city. State statutes in 1897 and 1901 effectively expelled African Americans from electoral politics and by 1920 the ratio of registered Caucasian voters to African American voters in Dade County was 14 to 1.¹⁹⁹

Political disenfranchisement was accompanied by increased residential segregation, impoverishment, and overcrowding. As African American communities began to deteriorate, they also suffered from stigmatization by Caucasians, who exaggerated the negative characteristics increasingly associated with emerging slums, and ignored the often vibrant cultural, political, and economic life that existed there. The local Caucasian-

¹⁹⁶ *Ibid.* 71.

¹⁹⁷ *Ibid.*

¹⁹⁸ Paul S. George, “Colored Town: Miami’s Black Community,” *The Florida Historical Quarterly*, Vol 56 No 4, 1978, 432.

¹⁹⁹ George, “Colored Town,” 435.



controlled media was especially significant as a source of racist portrayals and sensationalist and selective coverage of the African American community.²⁰⁰

The reality was that Colored Town had an important and influential business and professional community which provided stability, services, and opportunity to African Americans in Miami. Paul George writes,

A business district, predominantly black-owned, took shape along a half-mile strip on Avenue G. By 1905, it contained grocery and general merchandise stores, an ice cream parlor, a pharmacy, a funeral parlor, clubhouses, rooming houses, and an office of The Industrial Reporter, a black newspaper. These enterprises were later joined by a soft drink plant, professional offices, real estate brokers, insurance agencies, and numerous food and entertainment establishments.²⁰¹

Racial violence was common across Miami's African American communities during this period. The Ku Klux Klan was active in Miami, and in 1921 200 members paraded in the city to mark the group's arrival. Given racial attitudes in South Florida at the time, Klan membership increased quickly, and by 1925 the local chapter had an estimated 1,500 members and participated in numerous civic activities. African Americans were targeted by the Klan soon with threats, beatings, and kidnappings.²⁰²

African Americans and their Caucasian allies did not remain idle in the face of these and other threats. One local organization, the Colored Board of Trade, resisted legally enforced segregation and challenged terrorism by the Klan and other Caucasian groups. Miami's African Americans also suffered abuse at the hands of the police, and the Negro Uplift Association of Dade County was active in the campaign against police brutality and discrimination.²⁰³ Miami was also home for a while to a chapter of the United Negro Improvement Association, or UNIA, founded by Jamaican immigrant Marcus Garvey in New York. Many of its leaders came from the ranks of existing organizations fighting racism and violence, including the Colored Board of Trade and the Negro Uplift Association.²⁰⁴

²⁰⁰ Thomas F. Fleischmann, "Black Miamians in *The Miami Metropolis*, 1896-1900," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 52, 1992, 21-38.

²⁰¹ George, "Colored Town," 438.

²⁰² *Ibid.*, 445

²⁰³ *Ibid.*, 441.

²⁰⁴ Kip Vought, "Racial Stirrings in Colored Town: The UNIA in Miami during the 1920s," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 60, 2000, 56-75.



Despite the specter of violence and tightening restrictions on expansion, African American communities continued to grow, fuelled immigrants from the Caribbean, migrants from elsewhere in the South, and higher than average birth rates. In the first decades of the 20th century, African Americans ranged between 25 and 40 percent of the entire population.²⁰⁵

C. 1920s, the Great Depression, and the Second World War

The end of World War I marked an important turning point for African Americans. Returning African American soldiers had witnessed equitable social relations in Europe and had risked their lives abroad in defense of democracy. The continued existence of Jim Crow laws in the South and other forms of racial discrimination in the north further fueled civil rights activism several decades before the period historically known as the “Civil Rights Movement”.

This time period witnessed the emergence of African American labor organizing, which would later play a significant role in the Great Depression. Employers were not the only source of racism in the workplace: established labor unions also perpetuated discriminatory practices. Some examples of activism toward community uplift included A. Philip Randolph’s Brotherhood of Sleeping Car Porters in 1925, and the National Urban League’s establishment of the Department of Industrial Relations to specifically address African American labor issues.²⁰⁶ These efforts provided African Americans with a mechanism to advertise and be notified of employment availability during the harsh economic times on the heels of the Great Depression.

Not surprisingly, Caucasians strongly resisted this re-energized activism, and anti-black violence increased across the country. Labor unrest and fears of communism also contributed to the violence during this time period, known as the “Red Summer” of 1919. Although racist violence directed at African Americans was certainly not a new phenomenon, the violence of the post war years was qualitatively and quantitatively different from that of prior years. Historian Chad Williams writes,

An estimated twenty-five race riots, large and small, erupted throughout the nation; the number of lynchings increased from sixty-four in 1918 to eighty-three in 1919, counting seventy-six black victims; acts of individual vigilantism occurred daily.²⁰⁷ The violence fuelled an upsurge of

²⁰⁵ *Ibid.*, 436.

²⁰⁶ Cheryl Lynn Greenberg (2009), *To ask for an equal chance: African Americans in the Great Depression*, Lanham, MD: Rowman and Littlefield Publishers, Inc.

²⁰⁷ Chad Williams (2010), *Torchbearers of Democracy: African American Soldiers in the World War I Era*, Chapel Hill: University of North Carolina Press, 225.



organizing and activism by African Americans, and veterans of the war often played a key role in these new movements.

This time period also witnessed the emergence of African American labor organizing, which would later play a significant role after the plunge toward economic depression. Employers were not the only source of racism in the workplace: established Caucasian labor unions also continued discriminatory practices. Some examples of African American labor activism include A. Philip Randolph's organizing of sleeping car porters in 1925, and the National Urban League's establishment of the Department of Industrial Relations to specifically address African American labor issues.²⁰⁸ These efforts provided a base to turn to during the harsh economic times of the Great Depression.

The Great Depression began in late 1929 following the stock market crash on October 29. The dire economic situation for African Americans prior to the Great Depression only grew worse. The stock market crash marked a setback in the meager gains African Americans had made since emancipation. Many African American home and business owners lost these investments during the Depression. According to historian Cheryl Greenberg, the total number of lost businesses was easily in the thousands.²⁰⁹

Further worsening race relations, Caucasian hostility toward African Americans, who were seen as competition for scarce jobs, deepened. Higher than average unemployment across the board fueled this hostility, as many Caucasians lost employment while actively organizing to deny work to African Americans. Given the dire economic circumstances, Caucasian men and women moved into occupations that had previously been predominantly filled by African Americans, increasing competition for even the worst jobs.²¹⁰ For rural African Americans in the south, the Depression led to debt, land loss, hunger, and migration to the north in search of work.²¹¹

Not only did conditions for entrepreneurs worsen, but African Americans also experienced decreased opportunity within employment. In the early 1930s, unemployment across the nation stood at approximately 25 percent, but this figure was double for African Americans.

As the historian Richard Wormser noted, President Franklin D. Roosevelt's administration did not do much to address the specific problems facing African Americans during his first term. According to Wormser, Roosevelt avoided antagonizing Southern senators who could block his efforts to end the Depression. However, towards

²⁰⁸ Cheryl Lynn Greenberg (2009), *To ask for an equal chance: African Americans in the Great Depression*, Lanham, MD: Rowman and Littlefield Publishers, Inc.

²⁰⁹ *Ibid.*

²¹⁰ Greenberg.

²¹¹ Greenberg.



the end of Roosevelt's first term, "federal agencies began to open their doors to blacks, providing jobs, relief, farm subsidies, education, training, and participation in a variety of federal programs."²¹²

The New Deal, a series of economic programs enacted from 1933, sought to provide immediate relief for all Americans. However, the benefits afforded to many were not necessarily available to African Americans. African American women faced difficulties finding employment in work relief programs and were relegated to domestic work or manual labor jobs. These two sectors predominantly consisted of African American workers.²¹³ At the time, nearly 90 percent of African American women worked providing agricultural labor or domestic services. However, domestic servants and agricultural labor were excluded from minimum wage laws and Social Security. Tragically, these exclusions were at the request and politicking of southern legislators. These members of Congress supported New Deal legislation and programs frequently only in order to direct financial or other benefits to wealthy and powerful Caucasian power brokers among their constituency, using their position as swing vote on critical New Deal bills to get what they wanted. Instead of the New Deal program benefits being evenly distributed, aid was disproportionately allotted to Caucasians.²¹⁴ Furthermore, the New Deal's "crop reduction policies, geared toward increasing agricultural prices by reducing supply, led landowners to evict large numbers of black women who had raised crops on their land as tenants or sharecroppers."²¹⁵

It was not long before activists focused needed attention to the needs of African Americans affected by the Depression. During a meeting of prominent African American leaders in 1933, it was agreed upon that the New Deal represented the best opportunity for African Americans to improve their conditions, and that all efforts should be made to pressure the Roosevelt Administration to implement and extend policies to African American communities.²¹⁶ These efforts did succeed in bringing at least some resources and opportunities to more African American communities, if not across the board.²¹⁷ African American women were systematically excluded from a number of occupations under the New Deal's Works Project Administration (WPA), restricting their subsidized

²¹² Richard Wormser (n.d.) *The Great Depression, 1929-1939. The Rise and Fall of Jim Crow*. http://www.pbs.org/wnet/jimcrow/stories_events_depression.html

²¹³ Ira Katz Nelson, (2006), *When Affirmative Action was White: An Untold History of Racial Inequality in Twentieth-Century America*, New York: W.W. Norton and Company.

²¹⁴ Nancy F. Cott, *No Small Courage: A History of Women in the United States*, (New York: Oxford University Press, 2000), 264.

²¹⁵ *Ibid.*, 264.

²¹⁶ John B. Kirby, (1980) *Black Americans in the Roosevelt Era: Liberalism and Race*. Knoxville, TN: University of Tennessee Press.

²¹⁷ Kirby.



employment to household work.⁶⁰ This exclusion contributed to the labor force practices that relegated African American woman to low wage, manual labor jobs, even as opportunities increased for Caucasian women. As the historian Jacqueline Jones wrote in her history of African American women and work in the United States,

The radical economic inequality of black working women in the urban North did not become apparent until the early twentieth century. Before that time, disproportionately large numbers of black women worked for wages, but they and black men and unmarried white women were concentrated in essentially the same job category—domestic service...

However, as household conveniences and electricity lessened the need for elbow grease, new forms of business enterprise opened clerical and sales positions for white women... In the process, personal service became increasingly associated with black women exclusively. For the most part, black female wage earners remained outside the expanding industrial economy, and the few who gained a foothold in the factory work remained in the lowest paying jobs. Despite the significant shift in white working women's options the paid labor of black women exhibited a striking continuity across space—urban areas in the North and South—and time—from the nineteenth century to the early twentieth century.²¹⁸

The 1920s and the Great Depression in Miami-Dade County

By the 1920s, Miami's population had climbed to nearly 30,000—a 440 percent increase over the figure for 1910, representing the most significant per capita increase of any municipality in the nation. The city's borders extended several miles in each direction beyond the original parameters.²¹⁹ The decade heralded the arrival of a major land boom. Paul George writes,

Speculation brought people from all parts of the nation to Florida in quest of quick wealth in the overheated Florida real estate market, and Miami was its storm center. In the late summer of 1925, as the boom neared its zenith, nearly 1,000 subdivisions were under construction in Miami and its environs. Speculators were selling lots several miles from the city's center for fantastic profits. Beautiful developments bearing a Spanish eclectic or Mediterranean Revival style of architecture arose in areas that had only recently been farms or woodland. Most prominent here were the sparkling new municipalities of Coral Gables and Miami Shores.²²⁰

²¹⁸ Jacqueline Jones, (2009) *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*, New York: Basic Books, 139.

²¹⁹ George, "Miami: One Hundred Years of History".

²²⁰ *Ibid.*



The city also expanded, annexing the areas of Lemon City, Coconut Grove, and other historic communities and neighborhoods in the mid-1920s. The city grew geographically from 13 to 43 square miles, and its unofficial population exceeded 100,000 people.²²¹

But as the decade wore on the boom was following by an impending bust, and by 1926 real estate speculators, driven by inflation, moved on and construction slowed dramatically. Additionally, a hurricane in September 1926 destroyed thousands of homes and nearly completed subdivisions, sending the region into economic depression three years prior to the stock market crash three years later.²²²

Although the Depression deeply affected Miami, it was not as hard-hit as many other places. Historian Paul George explains,

This was due in part to the advent of commercial aviation—Pan American Airways and Eastern Airlines established headquarters in the Magic City—and a resurgent tourism in the second half of the decade. Tourism was pegged to special events and activities such as the Orange Bowl Festival, which began in the mid-1930s, and became a popular tourist draw. New Deal programs put more than 16,000 Miamians to work, building fire stations, schools, and post offices. The federal government was also responsible, in this era for the creation of Liberty Square, one of the nation's first black public housing projects. It arose in Liberty City, a new African-American community in the city's northwest sector.²²³

In the 1920s the city had become home to large numbers of black immigrants from the Bahamas, numbering around 5000 at the time, or 52 percent of the entire African American population. This gave Miami a larger population of black immigrants than any other city in the US except New York.²²⁴ By 1930 the city's African American population by 1930 reached almost 25,000 people, most of them concentrated in Overtown due to racist zoning practices throughout the city. Slum-like conditions had developed due to these and other restrictions, and were compounded by the Depression. New areas for housing did emerge as part of the New Deal effort to build public housing, most prominently, the Liberty Square project, located five miles from the central business district. Caucasians saw the availability of federal money as a way to move African Americans out of downtown and make room for their own businesses to expand. These

²²¹ *Ibid.*

²²² *Ibid.*

²²³ *Ibid.*

²²⁴ Raymond A. McCarthy, "Shadows in the Sunshine: Race and Ethnicity in Miami," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 49, 1989, 67.



plans did not come entirely to fruition, but discriminatory practices such as “redlining” did entrench segregation and contribute to further decline of African American communities.²²⁵

IV. WARTIME BOOM AND CIVIL RIGHTS ERA

World War II and the post war years brought substantial population growth to Dade County and the city of Miami, with the population nearly doubling between 1940-1950, and again between 1950-1960.²²⁶ The nation’s entry into the war drew hundreds of thousands of service members to the region, many of whom returned after the conclusion of hostilities.²²⁷ The region as a whole, in line with national trends, boomed after the war. By 1950, the city had 172,000 residents, constituting more than a third of Dade County’s entire population.²²⁸ Writing of the wartime economy during the war, Gary Mormino states, “Miami’s economy surged from the syncretic stream of military recruits, defense contractors, and tourist spending.”²²⁹

The African American population also grew steadily in the post war years. In 1950 there were 65,000 African Americans in Miami-Dade, or 13.1 percent of the total population. Within a decade the number had increased to 137,000, largely matching the increases in the Caucasian and Hispanic populations. By 1970, African Americans had numbered 190,000 and 15 percent of the total population, while Hispanics, driven largely by immigration from Cuba, jumped from 50,000 in 1960 to 300,000 only ten years later, and from 5.3 percent of the total to 23.6 percent.²³⁰

Although these were relatively prosperous years across the nation, many of the federal programs intended to assist working class families, and returning veterans in particular, to access work and home ownership bypassed African Americans. The most illustrative example of policies in the immediate aftermath of the war (which disproportionately assisted Caucasians in generational wealth acquisition) is that of the Serviceman Readjustment Act of 1944 (G.I. Bill). The bill—although on its face it provided benefits

²²⁵ McCarthy, 163-4

²²⁶ *Ibid.*, 164.

²²⁷ George “Miami: One Hundred Years of History”.

²²⁸ *Ibid.*

²²⁹ Gary Mormino, “World War II,” in Gannon, Michael (ed) *The New History of Florida*, (Gainesville: University of Florida Press, 1997), 324.

²³⁰ James Rowan Moore, “School segregation and educational performance in a multicultural society: The case of Miami -Dade County, Florida,” 2002, *ProQuest ETD Collection for FIU*. Paper AAI3057595. <http://digitalcommons.fiu.edu/dissertations/AAI3057595>, 144.



for every honorably discharged war veteran, whether involved in combat or not—was not uniformly applied. All veterans were entitled to mortgage assistance, low-interest small business loans, payment of educational and vocational expenses and even unemployment compensation; however, African American veterans found themselves unable to find lenders willing to provide the capital necessary for home and business ownership. Ira Katz Nelson notes that congressional leaders from the South ensured that local officials, rather than federal officials in Washington, D.C., directed the distribution of benefits under the bill, which resulted in the denial of housing and business loans, job training, and access to certain universities among countless African American veterans.²³¹ For Caucasians, the G.I. Bill functioned to create a strong middle class and provided access to the “American Dream,” which much eluded their African American counterparts. In essence, the G.I. Bill allowed Caucasians the means and government-sponsored support to amass resources necessary to strengthen their social capital and generational wealth.

A. Occupations and Unions

1. Labor Force Participation

The most supported and successful organization for job seekers, the United States Employment Service (USES), did little to support minority job seekers. Despite the USES’ responsibility for “assisting [with] coordination of the State public employment services in providing labor exchange and job finding assistance to job seekers and employers,” a report by the Council of Social Agencies in 1946 noted:

Practically all of the employment of Negroes through the USES is common labor. It is estimated that only about one out of ten Negro workers comes to the office. Relatively few are in skilled trades.... The USES Office, in accordance with federal policy, cannot and does not take an order that specifies workers by race or creed. In practice it follows that certain corporations, industrial factories, etc. “become known as desiring certain types of workers.”²³²

From October to December 1945, the USES received 36,390 Caucasian contacts compared to 8,927 African American contacts. The low percentage of African American placements over that period (24 percent) was attributed to the poor quality of education African Americans received. Caucasian businesses further posited that African Americans were not of the “type” of employee they were seeking.²³³ With President Harry S. Truman’s Executive Order of March 26, 1946 regarding the Veterans Housing

²³¹ Nelson.

²³² Council of Social Agencies, *Jacksonville Looks at its Negro Community*, (Jacksonville: Southern Regional Council, 1946), 66.

²³³ *Ibid*,



Program, the construction industry appeared to provide expanding opportunities to secure employment. The Council determined that it would be desirable for African Americans to enter this field at a higher rate to take advantage of these opportunities.

The labor market in Florida was atypical in comparison to the rest of the South during this period. The state was not a site of extensive industrial production, and “textile mills, mining operations, and heavy manufacturing...did not exist in the Sunshine State to any significant extent”.²³⁴ Miami, too, was an outlier, in the region. As the historian Eric Tscheschlok has described:

In no way did Miami conform to the industrial patterns characteristic of the rest of the urban South. Miami lacked the steel mills and iron foundries present in Birmingham and Chattanooga. The city contained no tobacco factories as in Winston-Salem, nor any coal fields as in Kentucky and West Virginia. The textile and paper mills that dotted the landscape of Georgia and the Carolinas had no equivalents in Dade County. In sum, Miami boasted little manufacturing of any sort. Instead, the city domiciled scores of small retail firms and tourist-related service industries.²³⁵

African American labor had been an integral part of Miami for decades, stretching back to the slaves of mid-19th century. According to Paul George:

Black labor was the backbone of the city’s physical plant and many businesses. From Flagler’s clearance and construction projects in 1896 to the building boom of the 1920s, blacks played a vital role in the growth and prosperity of Miami. White Miami’s dependency on black labor was evident during racial crises, when the specter of a mass exodus impelled business and community leaders to assure blacks that they would receive better treatment and protection. Employment figures are not available, but other information indicates that for much of the period the area’s expanding economy provided ample job opportunities for a large labor force. In addition to construction projects, blacks toiled as draymen and hackmen at the railroad station, and as stevedores, hotel porters, mechanics, leather tanners, blacksmiths, domestics, tailors, gardeners, and farmers. Black women were prized as laundresses, nurse-maids, cooks, and cleaners.²³⁶

Economic opportunity for African Americans was severely limited by racism. Caucasian unions maintained a firm color line, and city ordinances from the 1920s onward

²³⁴ Eric Tscheschlok, “‘So Goes the Negro’: Race and Labor in Miami, 1940-1963,” *The Florida Historical Quarterly*, Vol 76 No 1, 1997, 44.

²³⁵ *Ibid.*, 45-6.

²³⁶ George, “Colored Town,” 439.



prohibited African Americans from working in Caucasian parts of the city except under certain limited circumstances. Thus African Americans benefitted little from the post-war boom when compared with Caucasians.²³⁷

Despite these constraints, after the war African Americans moved into a broader range of occupations, taking advantage of expanding, if still greatly limited, efforts at integration and a growth in the city's industrial base. These occupations included law enforcement, mail carriers, and the legal profession.²³⁸ The post-war era also witnessed a rise in African American labor organizing.²³⁹

2. Unions

Unions played an important role in Miami during the twentieth century, not least in the evolving patters of race relations, and the opportunities and obstacles to African American advancement. According to the historian Thomas Albert Castillo:

White workers obtained a virtual monopoly in skilled jobs over black workers, particularly in the construction industry, and exacted economic pressure on business through the threat of work stoppages. Driven by the concern to maintain smooth and steady growth amidst a vibrant tourist economy, business reluctantly worked with labor to maintain harmonious market conditions. Blacks, however, were able to gain certain privileges in the labor market through challenging the rigid system of segregation and notions of what constituted skilled labor. Miami's labor unions shaped the city's social, cultural, and political landscape but the extent of their power was limited by booster discourse and the city's dependence on tourism.²⁴⁰

As Castillo and others demonstrate, Caucasian unions were highly successful in excluding African American workers from the skilled trades and showed impressive solidarity in maintaining the color line in the labor market. In general, as long as African American workers remained in unskilled work, Caucasian workers did not protest.²⁴¹

Due to Miami's rapid growth over the 20th century, the building trades and workers associated with them played an important part in the city's history, including race

²³⁷ Tscheschlok, 47.

²³⁸ McCarthy, 162.

²³⁹ Tscheschlok, 48.

²⁴⁰ Thomas Albert Castillo, "Big city days: Race and labor in early Miami, 1914—1925," *ProQuest ETD Collection for FIU*. Paper AAI1398932., 2000.
<http://digitalcommons.fiu.edu/dissertations/AAI1398932>

²⁴¹ *Ibid.*, 13.



relations. Carpenters and painters unionized before 1905, and by 1915 cement workers, bricklayers, masons, and plasterers, electricians, plumbers, operating engineers, and sheet metal workers had all established union locals in Miami. As Castillo notes, in 1920 2,389 out of 3,935 male workers in the city's manufacturing and mechanical industries were engaged in construction.²⁴² By 1920 an estimated 90 percent of Miami's carpenters were unionized.²⁴³

The building trade unions, including the relatively powerful Local 993 of the United Brotherhood of Carpenters and Joiners of America (UBCJA), had a history of excluding African American workers, setting the stage for difficulties for African Americans to enter the profession. African American workers did attempt to unionize, with approximately 100 hod carriers affiliated with the American Federation of Labor forming a local unit in 1919, with no support from Caucasian workers. The unit was not represented in the Central Labor Union or the Building Trades Council; soon afterward, a formal organization of Caucasian hod carriers was formed. Throughout the era, African Americans remained a majority of the unskilled workers in the construction industry.²⁴⁴

African American workers did petition Local 993 for a separate local on two occasions, 1904 and 1914, and were rejected both times. Castillo writes:

In 1904, Local 993 rejected the black carpenters; attempt to organize a separate local. As reported in minutes, the white local in 1914 explained “matters” to the black carpenters and established what became the segregation practice for the entire building trades for the next forty years: blacks would only be allowed to work in black sections of Miami.²⁴⁵

By 1930 out of 2,105 carpenters, only 147 were African American—approximately seven percent. The proportion was well below that of some other Florida cities: 33 percent in Jacksonville and 13 percent in Tampa, for example.²⁴⁶ Demonstrating the depth of animosity towards African American workers, Miami delegates to the 1920 State Federation of Labor conference walked out in protest of the seating of African American delegates from Jacksonville, followed by the delegations from St. Augustine, West Palm Beach, and St. Petersburg. Only after the African American delegates voluntarily left did the Caucasian delegates return.²⁴⁷ The exclusion of African Americans from the building

²⁴² *Ibid.*, 39.

²⁴³ *Ibid.*, 42.

²⁴⁴ Thomas Albert Castillo, “Miami’s Hidden Labor History,” *The Florida Historical Quarterly*, Vol 82 No 4, 2004, 444.

²⁴⁵ *Ibid.*, 61.

²⁴⁶ Castillo, *Big City Days*. 59.

²⁴⁷ *Ibid.*, 66.



trades—and their forced role as unskilled labor—effectively cut off upward mobility through careers in the building trades. It was not until the 1940s that substantial efforts at organizing African American workers emerged, beginning with the campaign led by Bahamian immigrant James Nimmo to organize laundry and dry cleaning workers. Later, successful campaigns to organize African American workers at the waterfront, and transport workers.²⁴⁸

B. Education

The first school for African American children in Miami-Dade was established in Coconut Grove, in 1896, the year the city of Miami was incorporated. It was severely under-resourced, its infrastructure inadequate for its purposes, from a lack of heating to the absence of blackboards.²⁴⁹ This foreshadowed what would be the reality of education for African Americans in 20th century Miami. From the start, schools for African Americans struggled for equal funding with their Caucasian counterparts. At the time, reformers believed that these students were being denied the free public education to which they were entitled, and that their parents were paying for through their taxes.²⁵⁰ Paul George writes:

Additional public schools arrived slowly; there was no black high school until the 1920s. The shortage of public schools led to the creation of many private, industrial, and home-study institutions. Most were of dubious quality. Predictably, truancy was high and learning slow. As late as 1930, the illiteracy rate for black Miamians ten years of age and older was 11.3 per cent, as opposed to an illiteracy rate of 0.3 per cent among white Miamians of the same age.²⁵¹

The status of education for African Americans existed despite a civil rights law passed by the Florida State Legislature in 1873, which stated that:

no citizen of this state shall, by reason of race, color, or previous condition of servitude, be excepted or excluded from full enjoyment of any accommodation, facility, or privilege...supported by moneys derived from general taxation or authorized by law.”²⁵²

²⁴⁸ Tscheschlok, 49-50.

²⁴⁹ George, “Colored Town”, 437.

²⁵⁰ Doug Andrews, “Black Education in Miami: 1921-1940,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 59, 1999, 30-51.

²⁵¹ George, “Colored Town,” 437.

²⁵² Cited in Andrews, 31.



Doug Andrews, in his own research, found severe differences in pay between Caucasian and African American teachers. In 1926, for example, salaries for white teachers ranged from \$125 to \$180, while salaries for black teachers ranged from \$90 to \$130. Andrews writes that:

The typical reason given for the disparity was that black teachers had less formal education, or a substandard education. While this may have been the case, the Board also employed white teachers with less than a bachelor's degree, as seen from the minutes of April 1, 1936, when the 1936-37 white teachers' salary scale included a notice that all teachers would be required to have a bachelor's degree by the summer of 1940. Nonetheless, the 1933-1934 salary scales reflect a fifty percent difference in pay for blacks, even if they held a bachelor's degree, which continued through the period covered by this study.²⁵³

The first school in South Florida to allow African American students to complete the 12th grade was Booker T. Washington High School, which opened in 1927. Some Caucasian residents initially protested, and African Americans took turns guarding the site at night as it was being built. The school admitted 1,300 students, and graduated six in its first year of operation.²⁵⁴

In 1954, the *Brown v. Board of Education* ruling, which ruled that separate educational facilities are inherently unequal and therefore unconstitutional, provided a glimmer of hope for the nation's African American community. Although reaction to the ruling was predictably angry across the South, in Florida, by contrast, the response was more muted.²⁵⁵ When the Dade County School Board tried to establish a black junior college in the 1950s, NAACP objected, arguing that it was a form of segregation. The Board thought the state would punish the local school system if it set up an integrated junior college, and also worried that African American students from segregated high schools would not be prepared for college work. A decision was made to open a separate branch of the existing local junior college rather than a new institution. The faculty would be African American, but the branch would share administrators with the main campus. In 1960 the Board responded affirmatively to a request by seven African American students from the branch to be admitted to the Central Campus, becoming one of the first desegregated public schools in Florida. A few years later the entire college was integrated into one institution, Miami-Dade Junior College.²⁵⁶

²⁵³ Andrews, 37.

²⁵⁴ McCarthy, 165.

²⁵⁵ David R. Colburn and Richard K. Scher., "Aftermath of the Brown Decision: The Politics of Interposition in Florida," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 37, 1977, 62-81.

²⁵⁶ McCarthy, 167



C. Housing

As described earlier, severe restrictions after incorporation greatly constrained the residential options available to African Americans. Those communities in which they were allowed to live, Colored Town being the most significant, deteriorated through a combination of overcrowding, neglect, and lack of access to adequate funding for improvements. Central to the problem that African Americans faced in their living situation was the availability and quality of housing. This had wide ranging negative impact on these communities that affected immediate health and longer term opportunity and financial stability.

Writing about the period prior to the first world war, Paul George notes:

The most glaring deficiency in the private sector was the severe shortage and low quality of housing. Most dwellings were cramped and rickety, vulnerable to heavy rains, winds, and fire. Few homes possessed electricity or indoor plumbing. As Colored Town's population grew, the housing problem became even more acute. In 1920, social workers discovered 100 families residing on one block, while a single lot on another block contained nine cottages. In such an environment disease was rampant. Colored Town residents suffered epidemics of yellow fever and influenza and sporadic outbreaks of smallpox. Venereal disease was widespread. The area's infant mortality rate was twice that of white Miami. Yet the settlement had few physicians and no hospitals until the Christian Hospital, a wooden structure containing twelve bedrooms, opened in 1918.²⁵⁷

Adding to the problem posed by inadequate housing were the restrictions on where African Americans could live. When color lines were crossed, Caucasians often reacted with violence. For example, in 1915 an attempt by African American families to move beyond a line in north Miami drawn by Caucasian residents led to raids on their homes by masked individuals. In the face of threats and intimidation, most of the families left immediately. And in the 1920s, when African Americans attempted to move into the Highland Park subdivision, at the northern end of Colored Town, they were met with bombings and shootings.²⁵⁸ As late as the 1950s, perceived "encroachment" by African Americans on Caucasian neighborhoods led to retaliatory violence. In 1951, for example, "the decision of a private developer to rent apartments to blacks in a formerly all-white

²⁵⁷ George Colored Town, 436-7

²⁵⁸ *Ibid.*, 441.



housing complex on the fringes of Liberty City touched off a wave of dynamitings at the site and throughout the Miami area.”²⁵⁹

More systematic and less overtly violent efforts and initiatives also existed to control where African Americans could live. When federal funds became available for housing in the wake of the Depression, Caucasian business leaders in Miami saw an opportunity to push African Americans out of areas adjacent to an expanding downtown business district. This was complemented by the proposed 1936 “negro resettlement plan” put forward by the Dade County Planning Board. Its goal was to resettle the “entire Central Negro town to three Negro Park locations, and establishment there of three model negro towns”.²⁶⁰ The planned settlement was on the agricultural fringe of the city, and the plan called for a dedicated bus line to bring to town African American service workers employed in the tourist economy. Although the grand plan never materialized, similar, if less ambitious, efforts working through restrictive zoning ordinances served to limit the residential options of African Americans in Miami, and to keep them highly concentrated and segregated. Raymond Mohl notes, “As a consequence, as several sociological studies have demonstrated, Miami had the highest degree of residential segregation by race of more than one hundred large American cities in 1940, 1950, and 1960.”²⁶¹

An important development in the history of Miami’s African American population was the use of the aforementioned federal funds to build public housing. The first of these, Liberty Square, was completed in 1937 and located five miles northwest of the city. The project drew the support of Caucasians, and business leaders in particular, who saw Liberty Square as the kind of planned housing that would hasten the removal of African Americans from Colored Town and the central business area. This northwest area of the city had tacitly been designated a “black settlement area” by city officials, business leaders, real estate developers and even some leaders from the African American community.²⁶² As if to underscore the point, Liberty City was surrounded by a six-foot stone wall. According to Theresa Lenox, a research historian:

The wall, a physical and mental barrier, stood as a reminder to blacks to keep out of the white areas. For the black community, the wall became a source of tension. For the whites, it stood as a safeguard against blacks invading their neighborhood.²⁶³

²⁵⁹ Mohl, 71.

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

²⁶² *Ibid.*, 69-71

²⁶³ Theresa Lenox, “The Carver Village Controversy,” *Tequesta: The Journal of the Historical Association of Southern Florida*, No 50, 1990, 39-40.



The population, however, grew rapidly, and continued neglect and under-resourcing by officials led to the reproduction of the deteriorated conditions in previous settlement areas. As the population expanded beyond the designated borders of what became known as Liberty City, African Americans began to encroach on Caucasian residential areas. The incident from 1951 noted earlier, the bombing of Carver Village, was one response to this development.²⁶⁴

The early residents of Liberty City were largely service workers, and a study of the community at this time revealed that all were employed. For African American male residents, the primary occupations were laborer, janitor, porter and waiter. For African American women residents, most were maids. Rents were capped at approximately 25 percent of income, relatively high by later standards for public housing residents. Most of the families were two-parent families, but there were also households headed by single mothers, all employed according to records from the late 1930s.²⁶⁵

Although at the time it seemed Liberty City was a success, over time the problems that faced many housing projects around the nation arrived here as well. Shifts in the broader economy led to changes in the labor market. Although the service work which underpinned the African American working class was difficult, with few opportunities for upward mobility, it did provide some stability for families. But with changes in the economy, these jobs were replaced by less stable, lower paid work, even as unemployment and poverty among African Americans began to climb. Changes in Liberty City served as a microcosm of the shifts. In their review of resident files from 1965 to 1979, George and Petersen note the rise in unemployed single mothers, many if not most of them from Overtown. For those who were employed, their jobs were concentrated in retail sales, fast food service, health care aide, and food stamp worker. The absence of employment and the low quality of existing employment for newer residents, the researchers found, reflected larger structural shifts in the local and national economies, as well as the ripple effects of now decades-long isolation and segregation. They also note that many of the newer residents were displaced from Overtown as a result of the construction of interstate I-95, often with little or no compensation for what they lost in the urban renewal process. We return to this below.²⁶⁶

D. Hispanics in Miami-Dade

Just prior to the Cuban Revolution in 1959, the Hispanic population of Miami-Dade hovered around 20,000. Over the next few decades, however, the population would

²⁶⁴ *Ibid.*, 69-71.

²⁶⁵ Paul S. George and Thomas K. Petersen, "Liberty Square: 1933-1987 The Origins and Evolution of a Public Housing Project", *Tequesta: The Journal of the Historical Association of Southern Florida*, No 48, 1988, 53-68.

²⁶⁶ *Ibid.*, 64-5.



increase dramatically. By 1960 there were 50,000 Hispanics in the region, or about five percent of the population, and that figure climbed to 300,000 in 1970, and 581,000 in 1980. At the turn of the century there were 1.2 million Hispanics in Miami-Dade, approximately 57 percent of the County population.²⁶⁷ While the vast majority have traditionally been from Cuba, the Hispanic community also includes people from Central and South America, Mexico, and Puerto Rico.²⁶⁸

The immigrants who left Cuba after Castro's takeover were disproportionately highly educated, and their large numbers helped to revitalize inner city urban areas that were losing much of their middle-class population to white flight. They quickly made their mark on the growing city. Paul George writes:

The business acumen of many exiles was a boon to the city and region's economy while their vibrant culture brought new life to their new home. By the 1980s, the large Cuban refugee population...was actively engaged in the political process, dominating the government of the City of Miami, as well as those of neighboring communities. Through its fervent anti-Communism stance it added a more conservative bent to the city's politics. Little Havana, the initial entry point for early waves of Cubans, had additionally become, by the 1980s, the destination for refugees from other countries in the hemisphere, especially Nicaragua.²⁶⁹

However, the arrival over decades of hundreds of thousands of immigrants, in a city already struggling with economic decline, had its downside. George continues:

The influx of refugees who vied with blacks for many entry level jobs—and were perceived by the latter as receiving special governmental benefits denied them—led to simmering tensions between them and resentful residents of Liberty City, Brownsville, and other native black communities.²⁷⁰

It would be a mistake, however, to emphasize the newness of the Hispanic presence. Hispanics—and Cubans in particular—have a long history with the region. In terms of the city proper, Cuban businessmen have run factories in Miami since the first days of incorporation, and at least some of their workers were brought over with them from the island. More broadly, Southern Florida was very interested in and impacted by the island

²⁶⁷ Moore, 144; Miami-Dade County, "Hispanics by Country of Origin in Miami-Dade County," *Data Flash*, Department of Planning and Zoning, 2011, No 16.

²⁶⁸ Eduarda A. Garcia, "Impact of the Hispanic Migration on Miami and its Surroundings," *Update*, Vol 6, No 1, 1978, 3.

²⁶⁹ George, "Miami: One Hundred Years of History".

²⁷⁰ *Ibid.*



to the south over the course of the century, from the Spanish-American War to the Cuban Revolution and its aftermath.²⁷¹

Although the initial Cuban refugees after 1959 may have been of relatively affluent status, they were followed by many who were not so well off, at least when they arrived. Many of the problems facing African American communities could soon be observed in Hispanic parts of the city as well, from overcrowded housing to overcrowded and under-resourced schools. Many had to turn to the city's Catholic charities for assistance.²⁷² Unlike African Americans, however, this generation of Cubans received considerable support from the federal government as part of Cold War politics. By the time of the Kennedy administration, the federal government was spending \$2.4 million a month to support Cuban refugees in Miami, which helped to support social services. In addition to this, the Small Business Administration directed approximately \$50 million to Cubans in the early 1970s, most of whom lived in Miami-Dade, to support creation of businesses. The significance of these federal expenditures on the Cuban community is made clear by figures from 1959. In that year the entire city budget was \$19 million, yet federal aid to the Cuban community alone reached \$4 million, or just under 20 percent of the entire city budget for the year.²⁷³

Over time, what was a relatively well resourced and supported immigrant population began to change. Later immigrants from Cuba and other parts of Latin America were often poor in their home countries and remained so once they arrived. At the same time, in line with most metro regions across the nation, Miami experienced a period of economic decline in the 1960s and 70s which saw more people fall into poverty. By the beginning of the 21st century, the poverty rate was over 20 percent for Hispanics, and trending upward. While this was still considerably lower than the 33 percent poverty rate for African Americans, it did signal an important shift in the socio-economic conditions of Hispanics in the city. Further, poverty among immigrants, most of whom were from Latin American and the Caribbean, was higher than for naturalized citizens, suggesting that the fortunes of all immigrants were quite different than they had been, at least for Cubans, at the height of the Cold War.²⁷⁴

²⁷¹ Francis J. Sicius, "The Miami-Havana Connection: the First Seventy-Five Years," *Tequesta: The Journal of the Historical Association of Southern Florida*, No 58, 1998, 5-45.

²⁷² *Ibid.*, 32-3

²⁷³ *Ibid.*

²⁷⁴ Miami-Dade County "Poverty in Miami-Dade County," *At a Glance*, Department of Regulatory and Economic Resources, October 2013.



V. HIGHWAY CONSTRUCTION, URBAN RENEWAL, AND PROPERTY VALUE

Federally funded construction programs after the Second World War had a lasting negative impact on African American communities. Urban Renewal programs, referred to before the 1960s as “Urban Redevelopment,” were designed ostensibly to address the overcrowding of urban centers, and ensure a suitable living standard for all Americans. In practice, Urban Renewal had the opposite effect for African Americans, resulting in the destabilizing of established communities by demolition or displacement. The sharp spike in unemployment during the Great Depression increased the demand for affordable housing across the nation. Federal housing programs, initiated with the Housing Act of 1934 under President Roosevelt, spurred growth in the dwindling housing industry while providing employment during the Great Depression.²⁷⁵ Federal legislation was passed in 1937 strengthening the 1934 Housing Act, and due to public pressure, introduced the goal of slum clearance into law. With the passing of the bill, the Federal Housing Program became twofold, both subsidizing the construction of new homes and paying for dilapidated neighborhoods to be renewed.

The Housing Act of 1949 substantially transformed many urban areas across the country. The Housing Act extended support for the FHA’s mortgage insurance program and provided funding for slum clearance, redevelopment, and the construction of public housing through Title One. The extremely favorable conditions for purchasing new homes contributed to “white flight” of Caucasian residents from the inner city into the suburbs. The subsidized loans that gave millions of whites the opportunity to purchase homes in the suburbs were not offered to African Americans. A nascent effect of homeownership for Caucasians was the wealth it generated through equity, wealth that has been historically important in starting business enterprise. In contrast, the urban centers of America and the people who lived there were left with a diminished tax base. Also, there was redlining of African American neighborhoods—which further depressed property values—and overt discrimination in the banking industry, effectively implementing *de facto* segregation.²⁷⁶

In his own review of urban renewal, Marc A. Weiss demonstrates that, far from being a low income housing program, urban renewal was conceived as an initiative to clear slum communities from potentially valuable central city land from the start. Illustrating the lack of concern with what would happen to residents once their homes were demolished, he quotes from the President’s Conference final report:

²⁷⁵ Alexander Von Hoffman (2000) “A Study in Contradictions: The Origins and Legacy of the Housing Act of 1949,” *Housing Policy Debate*, 299-322.

²⁷⁶ Jim Rinaman, Jim. (2003) “Jacksonville’s Consolidated Government,” *Jacksonville Historical Society*, <http://jaxhistory.com/journal11.html>



We do not concur in the argument that the slum[s] must be allowed to exist because there [are] persons dwelling in them who could not afford to dwell in better surroundings. It is our view that the slums must, nevertheless so be removed for the benefit of the community. We are confident that a large portion of the group displaced by slum clearance will be able to find suitable accommodations elsewhere.²⁷⁷

The Federal Aid Highway Act of 1956 led to a massive, federally funded expansion of the interstate highway system and a radical reconfiguration of the landscape in metropolitan regions. On the impact of interstate highway construction on the inner city, Raymond Mohl states:

[T]he interstates tore through long-established inner-city residential neighborhoods in their drive towards the city cores. Huge expressway interchanges, cloverleaves, and on-off ramps created enormous areas of dead and useless space in the central cities. The bulldozer and the wrecking ball went to work on urban America, paving the way for a wide range of public and private schemes for urban redevelopment.²⁷⁸

Mohl argues highway construction created a housing crisis for African American communities in the 1950s and 1960s, as housing and communities were destroyed on a large scale to make way for the new roads. According to a 1969 report of the National Commission on Urban Problems, approximately 330,000 city housing units were demolished as a direct result of federal highway building between 1957 and 1968. In the early 1960s, highway construction dislocated an average of 32,400 families every year, a burden that fell inordinately on African Americans.

A. Highway Construction and Urban Renewal's Impact on Minority Business

The expansion of the highway system through African American communities created a significant impediment to African American business development. Traditionally in America, large companies develop from the expansion of small, family-owned businesses. Highway construction separated black business districts from their customers, and sometimes destroyed these districts entirely. During construction, existing roads into and out of the neighborhood were detoured or cut off. Businesses had to relocate at their own expense, or lose access to the customer base that had been displaced or cut off.

²⁷⁷ Marc A. Weiss (1985), "The Origins and Legacy of Urban Renewal," 253-76. In *Federal Housing Policies: Past and Present*, J. Paul Mitchell, ed., Center for Urban Policy Research.

²⁷⁸ Raymond A. Mohl, (1992) "*Race and Space in the Modern City: Interstate-95 and the Black Community in Miami*," Arnold R. Hirsch, ed., *Urban Policy in 20th Century America*, New Brunswick, NJ: Rutgers University Press, 101-158, 102.



African Americans were barred from the contracting opportunities supported by the construction of the interstate system. Traditionally, entry into the fields of construction and architecture and engineering was gained through apprenticeship. Since African Americans were not offered apprenticeships by Caucasian businesses, it was difficult to participate. Many were nascent opportunities that fostered a surge in the growth and formation of Caucasian male businesses to meet the heavy demands of the highway construction industry through government subsidies. The few emerging African American construction businesses and architecture and engineering businesses were not given the opportunity to work on the construction of interstate highways prior to the adoption of DBE programs. Thus, African Americans were denied the opportunity to grow using the federal aid afforded to Caucasian-owned businesses during the highway and housing construction boom. Also, the government did not mandate relocation programs until 1968, and the states were not required to adopt this policy until 1970. Therefore, African Americans whose houses and apartment buildings were demolished were unlikely to have received reasonable or any compensation before 1970.

B. Highway Construction and Urban Renewal In Miami-Dade

The story of urban renewal and highway construction in Miami is the story of Interstates 95 and 395. Construction of the highways tore right through what had been called Colored Town, but by mid-century was more commonly referred to as Overtown. By all accounts, the construction destroyed most of the city's largest African American community, and initially displaced 40 percent of its population. Thousands of businesses had to relocate and in many cases lost connections with their customer base. By 1980 only 8,000 of its original 40,000 residents remained. What had once been considered the Harlem of the South had, in the words of Marvin Dunn been reduced "an urban wasteland".²⁷⁹

Though the destruction of Overtown is perhaps the most well known and dramatic example of the devastation caused by federal urban renewal policies, it was not the only one. As far back as 1933 Caucasians active in city government turned to federal slum clearance programs to further the aims of racial segregation. That year Miami attorney John Gramling and others formed the Southern Housing Corporation, the organization behind the effort discussed earlier to create "negro settlements" on the outskirts of the city. According to George and Petersen, "Their inspiration was the recently created United States Reconstruction Finance Corporation, which provided low-interest loans for slum clearance and the construction of low-income housing for the poor."²⁸⁰

It was perhaps the size and importance of Overtown to Miami's African American community that made its destruction seem emblematic of how the community had been

²⁷⁹ Marvin Dunn, *Black Miami in the Twentieth Century*, (Gainesville: University Press of Florida: 1997),

²⁸⁰ George & Petersen, 53-4.



treated since the city's incorporation in 1896. Certainly the years since contained many instances of the city attempting to relocate what had once been a small African American community at the edge of downtown. As the city and the Overtown community grew, however, the convergence of Caucasian racism and economic expansion created pressures that explain, at least partially, the deliberate destruction of the African American community's geographic, economic, social, and cultural heart.

Raymond Mohl, in his extensive writings about the city, finds evidence that the decision to route the interstates through Overtown was intentional, and driven in part by the desire to expand the Caucasian business district. He writes:

A 1955 plan for the Miami expressway, prepared by the Miami City Planning Department, routed a North-South Expressway along the Florida East Coast Railway corridor into downtown Miami—a route that had little impact on housing in nearby Overtown. However, a new plan prepared in 1956 for the Florida State Road Department shifted the route to the west and directly through Overtown. Despite community objections, the new route was accepted by the road department and supported by various downtown Miami officials and groups like the Chamber of Commerce. Specifically, the Florida East Coast Railway right-of-way was rejected, as the planning documents stated, in order to provide “ample room of the future expansion for the central business district in a westerly direction.”²⁸¹

Routing the interstate opened up an opportunity for expansion that had been sought by Caucasian business leaders since the 1930s.²⁸² However, the impact on African American businesses was severe. Reflecting on the importance of the communities independent businesses prior to urban renewal, one resident recalled:

Oh, there were so many businesses in Overtown that you really didn't need to go downtown Miami, as we called the Flagler Street section, because everything that you really needed was in Overtown. You had the men's shop that made the men's clothing, there was a furniture store right on Second Avenue, there was Shanang's Restaurant, and there was Manerver's beauty shop. The doctors were there; the dentists were there. Any need that you had could be met in Overtown because the businesses were there.²⁸³

²⁸¹ Raymond Mohl, “Shadows in the Sunshine,” 75.

²⁸² Mohl, “The Interstates and the Cities: The U.S. Department of Transportation and the Freeway Revolt, 1966–1973,” *Journal of Policy History*, Vol 20 No 2 2008, 193-226.

²⁸³ Milan Dluhy, Keith Revell and Sidney Wong, “Creating a Postive Future for Minority Community: Transportation and Urban Politics in Miami,” *Journal of Urban Affairs*, Vol 24 No 1, 2002, 82.



The loss of businesses and the dispersal of much of its population had a dramatic effect on the community beyond the staggering loss of numbers. Combined with the broader structural changes to the economy discussed earlier, the loss of a stable middle class contributed greatly to the community's downward spiral. By the 1990s poverty was endemic, reaching 64 percent for African American children, and unemployment reached 20 percent, eight percent above the city average. Those jobs that did remain were concentrated in low-wage service work, which made up 35 percent of jobs in the community, almost ten percent above the city-wide average.²⁸⁴ The case of Overton is unfortunately a textbook example of how the era of urban renewal functioned to turn back the clock on African American advancement.

VI. IMPEDIMENTS TO BUSINESS FORMATION AND GROWTH

Historical barriers in education, home ownership, and the labor market negatively impacted minorities in every era. Challenges to business formation and expansion in the present era are the result of deeply embedded patterns, as well as newer forms of discrimination. In particular, the difficulty minorities have had in accumulating wealth, through barriers to home ownership, for example, placed hurdles for minority business owners and minorities who would potentially become business owners. These hurdles slowed the upward mobility of their communities.

This experience of African Americans provides a stark contrast to that of previous waves of European immigrants. European immigrants were able to assimilate and experience upward mobility much more quickly in terms of socio-economic status. This section surveys current challenges to business formation.

In a paper prepared for the National Minority Enterprise Development Week Conference (2004) held in Washington, D.C., Andrew Bernard and Mathew Slaughter of the Tuck School of Business at Dartmouth and the National Bureau of Economic Research argue: "The success or failure of minority-owned businesses will increasingly drive the success or failure of the overall U.S. economy."²⁸⁵ Despite overall growth in the number of M/WBEs—and some clear improvement in addressing the barriers minorities and minority business owners face as we entered the new century—M/WBEs have yet to reach parity with majority businesses in number of businesses, gross receipts, and paid employees.

²⁸⁴ *Ibid.*, 78.

²⁸⁵ Andrew B. Bernard and Matthew J. Slaughter, (2004), "*The Life Cycle of a Minority-Owned Business: Implications for the American Economy*," National Minority Enterprise Development (MED) Week 2004 Conference September 7-10, 2004 Washington, D.C.



A. The State of M/WBEs Today

1. African Americans

In 2007 the U.S. Census Bureau conducted a survey of businesses across the United States, providing rich data on the number and type of M/WBEs.²⁸⁶ The survey was repeated in 2012, but these figures are still not available.

According to the 2007 survey, African Americans owned 1.9 million non-farm U.S. businesses operating in the 50 states and the District of Columbia, an increase of 60.5 percent from 2002. These black-owned businesses accounted for 7.1 percent of all non-farm businesses in the United States, employed 921,032 persons (0.8 percent of total employment), and generated \$137.5 billion in receipts (0.5 percent of all receipts). African American-owned businesses were concentrated in New York, Georgia, and Florida. The survey's measure of the Miami-Dade County found 286,596 minority-owned firms, or 71 percent of the total.

The current literature on African American business formation reveals that obtaining credit and capital remains a key barrier. Furthermore, past discrimination that prevented African Americans from owning businesses, or destroyed existing businesses, makes it less likely that current African American businesses are able to benefit from entrepreneurial experience of a family business than are Caucasian businesses. Oftentimes, however, the impact of past discrimination on present challenges is downplayed or ignored.

Scholars have documented key issues and challenges facing African American businesses today. In a 2007 study published in the *Journal of Labor Economics*, Robert Fairlie and Alicia Robb focused on the success of African American businesses and the influence of capital and prior work experience.²⁸⁷ The authors highlighted the importance of family-based entrepreneurial experience as a key factor in business success. Their investigation concluded that African American businesses have less family-based entrepreneurial experience than Caucasian businesses, causing these businesses to suffer from a lack of historical experience passed down through generations.

This barrier can take two forms. In the first, general constraint on business formation in African American communities prevented actual existence from matching with potential existence had the particularly virulent form of racism directed at black communities not

²⁸⁶ U.S. Census Bureau, *2007 Survey of Business Owners Summaries of Findings*, Washington, D.C. <http://www.census.gov/econ/sbo/getsof.html?07cosum>.

²⁸⁷ Robert W. Fairlie and Alicia M. Robb, (2007), "Why Are Black-Owned Businesses Less Successful than White-Owned Businesses? The Role of Families, Inheritances, and Business Human Capital." *Journal of Labor Economics*, 25, 289-323.



taken place. Secondly, African American businesses were destroyed, whether during the anti-black riots of the early part of the 20th century, or during the period of urban renewal during the post-WWII years. Thus, black business formation was both constrained at a general level over centuries, and specific eras saw the disruption of actually existing businesses which could have anchored an expansion through familial lines, or more broadly throughout the community.

The single most important factor leading to racial disparities in success rates of businesses is the sharp disparity in startup capital between African American businesses and Caucasian-owned businesses. This is the conclusion Fairlie and Robb reach in their 2008 book, *Race and Entrepreneurial Success*. Their research relied upon statistical regression analysis of the factors responsible for entrepreneurial success rates among Caucasian, African American, and Asian American businesses, and made use of census datasets previously available to only a handful of researchers. Another study by Salazar and Robinson (2007) combined Fairlie and Robb's findings, and found that net wealth is positively correlated with the probability that a nascent entrepreneur will start a new company if the nascent entrepreneur is in the top 25 percent of wealth distribution.²⁸⁸

2. Other Minority Groups

Researchers have analyzed the surveys of Minority Business Enterprises (MBEs) conducted by the U.S. Chamber of Commerce in 1997 and 2002. These researchers found that there were fewer M/WBEs in the United States than should be expected percentagewise, based on the population totals:

[M]inorities represented 29 percent of people age 18 and older in the United States, whereas MBEs represented almost 18 percent of businesses that could be classified according to the race, ethnicity, or gender of ownership. If parity had been reached, minority businesses would have represented 29 percent of classifiable businesses and generated comparable percentages in gross receipts and employment.... They earned eight percent of gross receipts and employed nine percent of the people employed by these classifiable businesses. Further, in 2002, average gross receipts of minority businesses were \$162,000. This was considerably lower than the \$448,000 average gross receipts of non-minority businesses. The average gross receipts of MBEs decreased by 16 percent between 1997 and 2002; over the same period, average gross receipts of non-minority businesses remained level.²⁸⁹

²⁸⁸ Maria Salazar and J. Robinson, (2007), *The Effect of Wealth and Race on Start-up Rates*, Small Business Administration Office of Advocacy, No. 37, 1-35.

²⁸⁹ U.S. Department of Commerce (2006). *The State of Minority Business Enterprises: An Overview of the 2002 Survey of Business Owners*. Washington, D.C.: Minority Business Development Agency, 3-4.



a. Asian Americans

The Census survey of businesses found that, nationwide, Asians owned 1.5 million non-farm U.S. businesses, an increase of 40.4 percent from 2002. These Asian-owned businesses accounted for 5.7 percent of all non-farm businesses in the United States, employed 2.8 million persons (2.4 percent of total employment) and generated \$507.6 billion in receipts (1.7 percent of total receipts). Asian businesses were concentrated primarily in California, New York, and Texas. In Miami—home to approximately 44,000 Asian Americans in 2012—the Asian businesses numbered 2.2 percent of all businesses in the metro region in 2007.²⁹⁰

b. Hispanic Americans

The Census data counted 2.3 million Hispanic-owned non-farm U.S. businesses operating in the 50 states and the District of Columbia in 2007, an increase of 43.7 percent from 2002. These Hispanic-owned businesses accounted for 8.3 percent of all non-farm businesses in the United States, 1.6 percent of total employment and 1.1 percent of total receipts. These businesses were concentrated in California, Florida, and Texas. In Miami-Dade, Hispanic-owned businesses numbered 244,000 in 2007, or about 60.5 percent of the county-wide total.²⁹¹

c. Women

The Census survey shows that women owned 7.8 million non-farm U.S. businesses operating in the 50 states and the District of Columbia in 2007, an increase of 20.1 percent from 2002. These woman-owned businesses accounted for 28.7 percent of all non-farm businesses in the United States. Woman-owned businesses employed 7.6 million persons (6.4 percent of total employment) and generated \$1.2 trillion in receipts (3.9 percent of all receipts). Woman-owned businesses were concentrated in California, New York, and Texas. Miami-Dade contained 116,000 woman-owned businesses in 2007, approximately 28.9 percent of the county total.²⁹²

²⁹⁰ U.S. Census Bureau, *Asian-Owned Businesses-2007*,
<http://www.census.gov/econ/sbo/getsof.html?07asian>.

²⁹¹ U.S. Census Bureau, *Hispanic-Owned Businesses: 2007*,
<http://www.census.gov/econ/sbo/getsof.html?07hispanic>

²⁹² U.S. Census Bureau, *Women-Owned Businesses-2007*.
<http://www.census.gov/econ/sbo/getsof.html?07women>



B. The Wealth Gap and Other Barriers to Business Formation

The wealth gap has been one of the most remarked-upon factors in explaining the persistence of economic inequality that disproportionately affects minorities in the United States. A 2008 study by the U.S. Department of Commerce found on average that 50 percent of Hispanic families have less than \$7,950 in accumulated wealth, and 50 percent of African American families have less than \$5,446. Comparatively, Caucasian wealth accumulation is from 11 to 16 times these levels. This wealth disparity constitutes a primary barrier to business formation. The Department of Commerce states that:

Low levels of wealth and liquidity constraints create a substantial barrier to entry for minority entrepreneurs because the owner's wealth can be invested directly in the business, used as collateral to obtain business loans or used to acquire other businesses.²⁹³

The gap is obviously of concern to minority communities, but it also represents a pressing public policy concern for all Americans. The Department of Commerce study stressed that minority-owned businesses create jobs at similar rates as non-minority businesses, create jobs with good pay, and outpace the growth of non-minority businesses. During the recession of the late 1990s and early 2000s, minority-owned businesses increased employment even as total employment declined among nonminority businesses. Employment among Hispanic American businesses grew by 11 percent, African Americans businesses by five percent and Asian American businesses by two percent during the same period.²⁹⁴

1. Historical Determinants of the Wealth Gap

In their landmark work on the racial wealth gap, *Black Wealth, White Wealth*, Melvin Oliver and Thomas Shapiro argue that:

Wealth is a particularly important indicator of individual and family access to life chances.... Wealth is what people own, while income is what people receive for work, retirement, or social welfare. Wealth signifies the command over financial resources that a family has accumulated over its lifetime along with those resources that have been inherited across generations. Such resources, when combined with income, can create the

²⁹³ U.S. Department of Commerce (2008) *Characteristics of Minority Business and Entrepreneurs: An Analysis of the 2002 Survey of Business Owners*. Washington, D.C.: Minority Business Development Agency, 7. <http://www.mbda.gov/pressroom/publications/executive-summary-disparities-capital-access-between-minority-and-non-minority-businesses>.

²⁹⁴ U.S. Chamber of Commerce.



opportunity to secure the “good life” in whatever form is needed—education, business, training, justice, health, comfort and so on.... [I]t is used to create opportunities....²⁹⁵

The importance of home ownership for business formation in explaining this persistent gap is difficult to overstate, as is the history of housing discrimination detailed above. In his report to the Small Business Administration, economic researcher Robert Fairlie writes:

For all individuals, home ownership is an important determinant of business formation because home equity can be invested directly in the business or used as collateral to obtain business loans. Home owners are found to be roughly ten percent more likely to start businesses than are non-home owners, even after controlling for other factors such as education, family income, and initial employment status.²⁹⁶

Although housing remains the driving factor behind the wealth gap, other factors remain crucial as well. Research conducted by the Surface Transportation Policy Project found that most American families spend more on transportation than on health care, education, or food. While the average family spends about 20 percent of its household expenditures on transportation, the poorest fifth of families, earning less than \$13,060 per year, spend 42 percent, and families in the next quintile, earning \$13,601-\$25,218 annually, spend 26 percent. The Project concludes:

These high transportation costs compromise household savings that could otherwise be used for home ownership, education, or other investments that give low-income families a better chance of moving into the middle class. For example, over the course of a decade, \$30,000 invested in owning a car can be expected to result in just \$3,000 in equity while investing \$30,000 in owning a house on average yields more than \$13,000 in equity.²⁹⁷

The historical disparities in education and employment continue to present additional barriers to business formation as well. Levels of education are positively correlated with employment for all racial and ethnic groups, pointing to the negative consequences of discrimination in education for African Americans and Hispanic Americans in particular.

²⁹⁵ Melvin L. Oliver and Thomas M. Shapiro, (1995) *Black Wealth, White Wealth: New Perspectives on Racial Inequality*, New York: Routledge, 2. Emphasis added.

²⁹⁶ Robert W. Fairlie, (2012) *Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital*, Washington, D.C.: Office of Advocacy, Small Business Administration, iv.

²⁹⁷ Surface Transportation Policy Project n.d. *Transportation and Social Equity*. <http://www.transact.org/library/factsheets/equity.asp>.



Furthermore, the racial disparity across education levels underscores the continued significance of race when considered separately from education levels. For example, data from 2004 show that African Americans with a bachelor's degree had slightly higher rates of unemployment than Caucasians with only some college or an associate degree. More dramatically, African Americans with some college or an associate degree had an unemployment rate of 7.9 percent, while the unemployment rate for Caucasians with a high school degree but no college degree was only 4.8 percent. African Americans with some college had unemployment rates closer to that of Caucasians with less than a high school degree at 7.8 percent. Hispanic Americans and Asian Americans with some college or an associate degree had unemployment rates of 5.7 percent and 5.9 percent respectively. Caucasian income levels exceed that of all other racial and ethnic groups at each level of education, and Caucasians with only a high school degree earned more than blacks with some college or an associate degree.²⁹⁸

2. Barriers to Securing Capital and Financing

In addition to disparities in initial wealth, African Americans and other minorities also face discrimination when trying to access start up finance for a business venture. Discrimination in the credit market forms a major barrier to both business formation and expansion for minorities. The 2008 study by the U.S. Department of Commerce found that a lesser proportion of minority respondent businesses used bank loans to start or acquire the business (7.2 percent) or to expand or finance capital improvements to the business (5.7 percent) compared to non-minority businesses (12 percent and 9.7 percent, respectively). This was a particularly important issue for smaller minority enterprises.²⁹⁹ African Americans are also 30 percent more likely to have loans denied in the small business credit market than Caucasians.³⁰⁰ Hispanic Americans face a disadvantage similar to that of African Americans in the loan market. Asian/Pacific Islander Americans are about 14 percent more likely than Caucasian small business owners to have their loan application denied.³⁰¹

3. Impact of the Great Recession and the Foreclosure Crisis

The wealth gap between minority and Caucasian communities rose to an all-time high in the wake of the Great Recession. The Pew Research Center found that the median wealth for Caucasian households in 2009 had risen to 20 times that of African American households and 18 times that of Hispanic American households. According to Pew Research:

²⁹⁸ Bernard and Slaughter.

²⁹⁹ U.S. Department of Commerce.

³⁰⁰ David G. Blanchflower, Phillip B. Levine, and David J. Zimmerman (2003), *Discrimination in the Small-Business Credit Market: The Review of Economics and Statistics*. 85(4), 930-43.

³⁰¹ *Ibid.*



Draft



These lopsided wealth ratios are the largest since the government began publishing such data a quarter century ago, and roughly twice the size of the ratios that had prevailed between these three groups for the two decades prior to the Great Recession that ended in 2009.³⁰²

Additional findings of the Pew study are as follows:

- The bursting of the housing market in 2006 and the ensuing recession took a far greater toll on the wealth of minorities than Caucasians. Wealth fell by 66 percent among Hispanic households, 53 percent among black households and 16 percent among Caucasian households.
- As a consequence of these declines, the average African American household had \$5,677 in wealth the typical Hispanic household had \$6,325, and the typical Caucasian household \$113,149.
- About a third of black and Hispanic households had zero or negative net worth, compared to 15 percent of Caucasian households.

In a 2008 report on the foreclosure crisis and minorities, United for a Fair Economy estimates the total loss of wealth for people of color to be between \$164 and \$213 billion for sub-prime loans taken out between 2002 and 2008, arguably the greatest loss of wealth for people of color in U.S. history. Projecting into the future based on recent trends, they estimate it would take over 5,000 years for African Americans to achieve parity with Caucasians in homeownership.³⁰³

C. Impediments to Business Growth

Although minority businesses have recently grown at a faster rate than non-minority businesses in terms of gross receipts, number of employees, and total annual payroll, they remain on average smaller in all three categories.³⁰⁴ This suggests that there remain significant barriers for to minority business expansion for minority businesses once established. A 2010 study by the Minority Business Development Agency of the

³⁰² Rakesh Kochhar, Richard Fry, and Paul Taylor, (2011), *Wealth Gaps Rise to Record Highs Between Whites, Blacks, Hispanics*, Washington, D.C.: Pew Research. <http://www.pewsocialtrends.org/2011/07/26/wealth-gaps-rise-to-record-highs-between-whitesblacks-hispanics/>

³⁰³ Amaad Rivera, Brenda Cotto-Escalera, Brenda, Anisha Desai, Jeannette Huezo, Jeannette and Dedrick Muhammad, (2008), *Foreclosed: State of the Dream 2008*, Boston, MA: United for a Fair Economy. http://www.faireconomy.org/files/pdf/StateOfDream_01_16_08_Web.pdf

³⁰⁴ Robert W. Fairlie, and Alicia Robb, (2010), *Disparities in Capital Access between Minority and Non-Minority-owned Businesses.*, Washington, D.C.: U.S. Department of Commerce, Minority Business Development Agency. <http://www.mbda.gov/sites/default/files/DisparitiesinCapitalAccessReport.pdf>



Department of Commerce identified three key areas in which minority-owned businesses face challenges to their expansion: loans, equity, and financial investment. Within these, the study points to a range of concrete challenges. Some are directly linked to institutionalized historical conditions which have long disrupted entrepreneurial activity and wealth creation within African American communities specifically, while others cite geographic location and lack of experience. The study identifies numerous ongoing patterns of discrimination as well. Some of the most important patterns are as follows: ·

- **Minority-Owned Businesses Are Less Likely To Receive Loans than Non-Minority Businesses**—Among businesses with gross receipts under \$500,000, 23 percent of non-minority businesses received loans compared to 17 percent of minority businesses. Among high-sales businesses (businesses with annual gross receipts of \$500,000 or more), 52 percent of non-minority businesses received loans compared with 41 percent of minority businesses, according to 2003 data from the Survey of Small Business Finances.
- **Minority-Owned Businesses Receive Lower Loan Amounts than Non-Minority Businesses**—the average loan amount for all high sales minority businesses was \$149,000. The non-minority average was more than twice this amount at \$310,000. Conditioning on the percentage of businesses receiving loans, the average loan received by high-sales minority businesses was \$363,000, compared with \$592,000 for non-minority businesses.
- **Minority-Owned Businesses Are More Likely to Be Denied Loans**—among businesses with gross receipts under \$500,000, loan denial rates for minority businesses were about three times higher, at 42 percent, compared to those of non-minority-owned businesses, 16 percent. For high-sales businesses, the rate of loan denial was almost twice as high for minority businesses as for non-minority businesses.
- **Minority-Owned Businesses Are More Likely to Not Apply for Loans Due to Rejection Fears**—among businesses with gross receipts under \$500,000, 33 percent of minority businesses did not apply for loans because of fear of rejection, compared to 17 percent of non-minority businesses. For high-sales businesses, 19 percent of minority businesses did not apply for loans because of a fear of rejection, compared to 12 percent of non-minority businesses.
- **Minority-Owned Businesses Pay Higher Interest Rates on Business Loans**—for all businesses, minority businesses paid 7.8 percent on average for loans compared with 6.4 percent for non-minority businesses. The difference was smaller, but still existed between minority and non-minority high-sales businesses.
- **Disparities in Access to Financial Capital Grow after First Year of Operations**—Non-minority businesses invested an average of \$45,000 annually into their



businesses, while minority-owned businesses invested less than \$30,000 on average after the first year of operation. The disparity in financial capital between minority and non-minority businesses was much larger in percentage terms for the next three years in operation than their first year.³⁰⁵

Using data from the 1993 and 1998 National Surveys of Small Business Finance, Blanchflower, Levine and Zimmerman find similar results:

Evidence shows that black-owned businesses face impediments to obtaining credit that go beyond observable differences in their creditworthiness. These businesses are more likely to report that credit availability was a problem in the past, and they expect it to be a problem in the future. In fact, these concerns prevent more black-owned businesses from applying for loans, because they fear being turned down due to prejudice or discrimination. We also found that loan denial rates are significantly higher for black-owned businesses than for white-owned businesses even after taking into account differences in an extensive array of measures of creditworthiness and other characteristics. This result appears to be largely insensitive to changes in econometric specification. Similar findings are presented regarding interest rates charged on approved loans. Overall, the evidence is consistent that black-owned businesses are disadvantaged in the market for small business credit, which would traditionally be attributed to discrimination.³⁰⁶

Research into the broader dynamics of minority business performance and structural racism by Lois M. Shelton provides useful context for anecdotes like this. In reviewing the literature on the issue, she identifies the importance of social stratification within specific sectors of the economy, often maintained by Caucasian businesses as a means of protecting their advantage and thereby preserving the subordinate status of minority businesses. She writes that “minority businesses often confront a difficult and sometimes hostile environment as they strive to grow.”³⁰⁷ Drawing from previous research across sectors, she points to a number of examples. These include discrimination by Caucasian general contractors who dominate private commercial projects in the construction sector, and big advertisers in the advertising sector who refuse to pay prevailing rates to minority-owned and targeted radio stations.

Shelton points to the financial sector in particular as one where personal connections and social networks are vital, placing minority businesses at a disadvantage. Not surprisingly, she observes, no minority investment banks have expanded beyond being “boutique”

³⁰⁵ Fairlie & Robb.

³⁰⁶ Blanchflower, Levine and Zimmerman. 942.

³⁰⁷ Lois M. Shelton, (2010), *Fighting an Uphill Battle: Expansion Barriers, Intra-Industry Social Stratification, and Minority Business Growth; Entrepreneurship Theory and Practice*, 34(2), 378-98.



businesses. In these and other cases, government intervention was required to rectify this situation. Government intervention has proven itself to be invaluable for many minority business owners.

In addition to stratification within sectors, Shelton also finds that minority businesses are excluded from certain attractive business segments and industries. “Often, the client base of minority businesses is circumscribed to serving minority ethnic segments, which are frequently smaller in size and offer lower growth potential.”³⁰⁸ Drawing from Lowery (2007) and Robb (2002), she concludes that minorities are heavily concentrated in highly competitive, labor-intensive industries (personal service, repair and maintenance, and health care and social services) that have higher failure and turnover rates than capital intensive industries (for example, manufacturing and wholesale trade) where they remain substantially underrepresented.

The challenges facing minority businesses in their efforts to secure financing for expansion have consequences beyond the businesses themselves. For inner-city based businesses, for example, a lack of access to financing becomes a barrier to inner-city economic development.³⁰⁹ Research suggests that these minority-owned businesses form a subset of disadvantaged businesses that is often overlooked by studies of discrimination against minority businesses. These businesses rely disproportionately on “informal” sources of capital, often from family and friends.³¹⁰ These businesses provide important services to what are often underserved communities, and constraints on their growth are also constraints on a broader transformation of the low-income communities they serve. Unless properly addressed, the current difficulties facing business expansion will, in retrospect, be viewed as this era’s contribution to a long history of undermining the development of minority-owned businesses.

D. Barriers to Minorities’ Business Growth in Miami-Dade

The conditions outlined above are national in scope and affect minorities across the country. At the same time, there are a number of factors specific to the racial history of Florida—and of Miami-Dade County—where discrimination against M/WBEs remains a concern. In his 2004 study, for example, Dr. Manuel J. Carvajal found strong evidence of disparity related to Hispanic-owned architecture and engineering firms in South Florida, and this included disparity related to woman-owned firms within the Hispanic population. Specifically, he examined evidence across three distinct sectors: architecture, structural

³⁰⁸ Shelton.

³⁰⁹ Timothy Bates, (2010), *Alleviating the Financial Capital Barriers Impeding Business Development in Inner Cities*. Journal of the American Planning Association. 76(3), 349-62.

³¹⁰ Timothy Bates and Alicia Robb, Alicia (2013), *Greater Access to Capital is Needed to Unleash the Local Economic Potential of Minority-Owned Businesses; Economic Development Quarterly*. February. doi: 10.1177/0891242413477188.



engineering, and civil engineering. He found that the earnings of these firms were less than that of identical firms owned by non-Hispanics and by men.³¹¹ He concludes:

The projected earnings of woman and Hispanic-owned firms in all three markets are considerably below the projected earnings of enterprises with identical market characteristics owned by neither women nor minorities. Thus, the empirical evidence points to economic discrimination against enterprises owned by women and Hispanics.³¹²

Dr. Carvajal was not able to draw the same conclusion for African American firms. Although there did appear to be a discriminatory effect, it was not statistically significant. However, Dr. Carvajal notes that the very small number of African American architects and engineers in Miami-Dade was at issue here in the first place, leading to an insufficient sample size.³¹³

Efforts to address these institutional disparities in Miami-Dade face a significant challenge. Indeed, recent court rulings have created a difficult legal climate for the support of M/WBEs. In 2004 the Eleventh Circuit upheld Judge Kenneth Ryskamp's 1996 ruling that Miami-Dade County's Minority and Women Business Enterprise (MWBE) programs violated the Fourteenth Amendment's Equal Protection Clause as applied to sectors of the construction contracting industry. The 1996 case, which involved African American companies, went to the US Supreme Court, which refused to hear the County's appeal of the Ryskamp ruling. At the same time the Court also turned away an appeal by the Allied Minority Contractors Association in Miami-Dade to reinstate similar programs for Hispanics and women. This was part of a national trend restricting the use of affirmative action except under very difficult-to-prove circumstances. Speaking for the Allied Minority Contractors Association, Thomas F. Pepe commented on the rulings: "We know there is discrimination and that it's unfortunately alive and well. It's just that it's very difficult to prove discrimination."³¹⁴

The 2004 case arose when non-minority contractors objected to what they believed was the failure of the County to abide by the previous ruling. Summarizing the 2004 case, Dr. Carvajal, who was commissioned to conduct a disparity study for the court, writes,

³¹¹ Manuel J. Carvajal, "Measuring Economic Discrimination of Hispanic-Owned Architecture and Engineering Firms in South Florida," *Hispanic Journal of Behavioral Sciences*, Vol 26 No 1, 2004, 79-101.

³¹² *Ibid.*, "Economic Grounds for Affirmative Action: The Evidence on Architects and Engineers in South Florida," *Review of Social Economy*, Vol 64 No 4, 2006, 535.

³¹³ *Ibid.*

³¹⁴ "High Court refuses to hear Miami-Dade affirmative action case," *Boca Raton News*, March 10, 1998, 3D.



Three programs created by the Miami-Dade Board of County Commissioners were at issue in this case: a Black Business Enterprise Program enacted in 1982 and amended in 1994, a Hispanic Business Enterprise Program, and a Women Business Enterprise Program, the latter two enacted in 1994. All three established set-aside and participation goals that, the plaintiffs argued, should not apply to procurement in architecture and engineering. Three distinct markets—architecture, structural engineering, and civil engineering—were identified as meeting the narrowly tailored criterion of the U.S. Supreme Court. (These three markets account for the lion’s share of the Miami-Dade County architecture-and-engineering procurement business.)³¹⁵

According to court records, the plaintiffs sought,

[A] declaratory ruling from this Court that Dade County’s MBE and WBE programs are unconstitutional and seek an injunction to prevent the County from continuing to utilize race, ethnic, and gender-conscious measures in awarding County construction contracts.³¹⁶

The County, as defendant, was supported by three organizations: the Black Business Association; the Allied Minority Contractors’ Association; and the Miami branch of the National Association for the Advancement of Colored People (NAACP).

VII. CONCLUSION

This chapter has analyzed historical and sociological research to determine whether or not discrimination has negatively impacted the formation and growth of M/WBEs in Miami-Dade County. It has addressed the somewhat different—but genuine—problems presently faced by WBEs as well, particularly for women who are also racial-ethnic minorities. This historical and sociological research has focused primarily on the experiences of African Americans in Miami-Dade because of their long-established presence in the region, and the particularly sustained and severe forms of discrimination they have endured. African Americans were uniquely affected by slavery, more than a century of subsequent racial segregation, and the destruction of what had been their largest community in the region, Overtown.

³¹⁵ *Ibid.*, 81.

³¹⁶ *Engineering Contractors Assn v. Metro. Dade County*, No. 94-1848-CIV-Ryskamop. 1996 http://www.leagle.com/decision/19962489943FSupp1546_12322.xml/ENGINEERING%20CONTRACTORS%20ASS%27N%20v.%20METRO.%20DADE%20COUNTY



The impact of this history is still felt to this day. The Hispanic American and Asian American experience in the State, on the other hand, have resembled the much lengthier African American experience in many but not all respects. The historical evidence presented in this chapter documents that significant barriers still exist for minority business enterprise formation and growth.

The continuing disparity affecting Hispanic and minority woman-owned businesses in architecture and engineering reflects the historical marginalization of these groups. Although early Hispanic immigrants from Cuba were relatively affluent, and received substantial financial support owing to Cold War politics, more recent arrivals from throughout the Americas represent a very different—and growing—population. Rates of poverty for Hispanic Americans in Miami-Dade, while not as severe as those for African Americans, illustrate changing demographics. Further, because of the large variety within the Hispanic population, poverty rates for new groups are higher than the average figure reveals, indicating that the experiences they face and opportunities they have available are not altogether different from African Americans.

The weight of historical treatment is most clear with regard to African Americans. To take one example, the scarcity of African Americans in the construction trades, and in architecture and engineering in particular, is clearly linked to decades of exclusion from all but unskilled labor within the sector. As this chapter has documented, for decades, Caucasian construction unions have explicitly excluded African Americans from opportunities in skilled work, leading to the absence of a base from which today's architects and engineers could have emerged.

More generally, the systematic neglect of African American education, residential segregation—and the destruction of the African American community's business class through urban renewal—combined to deprive the community of the skills and resources necessary to take advantage of opportunities afforded to others. Current approaches to affirmative action in the County, which focus on non-discrimination against minority businesses, will likely be inadequate to reverse the impact of this long history.



Appendix C: DISPARITY AND AVAILABILITY STUDIES COMPARATIVE ANALYSIS

I. INTRODUCTION

The purpose of this chapter is to compare the 2013 Miami-Dade County (County) Disparity Study (Study) covering the years 2007 to 2011 and conducted by Mason Tillman Associates, Ltd. (Mason Tillman), to prior disparity and availability studies. It reconciles and distinguishes the utilization, market area, availability, disparity, and private sector analyses with the findings from other County studies. Additionally, the implementation of the recommendations from previous studies is reviewed.

A. Comparison Studies

Research undertaken to identify disparity and availability studies conducted for Miami-Dade County agencies yielded two studies with a Miami-Dade County market area. The first study, the Miami-Dade County Predisparity Planning Initiative (Predisparity Study) covering the years 2000 to 2002, was submitted by MGT of America, Inc. (MGT) and was compared to the Study conducted by Mason Tillman. The second study, referred to as the Wainwright Study, was used in defense of the challenged affirmative action programs in *Engineering Contractors Association of Southern Florida v. Metropolitan Dade County*,³¹⁷ and is an analysis of the construction industry in the County. The Wainwright Study did not analyze County contracts; instead, it used US Census data to compare construction business ownership rates of minority and women-owned business enterprises (M/WBEs) to those of non-M/WBEs, as well as analyzing disparities in personal income between M/WBEs and non-M/WBEs. Therefore, the Wainwright Study is not used in this comparison.

The chapter is organized into seven sections. Section one describes the objective and parameters of the chapter. Sections two through six compare the methodologies and findings of the utilization analysis, geographic market area, availability analysis, disparity analysis, and private sector analysis, respectively. Finally, section seven assesses the implementation of the recommendations in the Predisparity Study.

³¹⁷ 122 F.3d 895 (11th Circuit 1997).



II. UTILIZATION ANALYSIS

A. MGT Methodology

The data sources analyzed for MGT's Predisparity Study, as described in its Chapter 3.0 *Relevant Market Area, Utilization, and Availability Analysis*,³¹⁸ were provided by the County's Department of Business Development (DBD) and the County's Finance and Accounting department. The DBD provided prime contract subcontract data for construction and architecture and engineering projects. All other data was extracted from the County's major accounts payable system (FAMIS).

Data was limited to these two sources because data for other County departments was not usable for disparity study purposes. MGT reports that much of the data for these departments was highly problematic. Chapter 2.0 *Miami-Dade County's Departmental Data*, of the Predisparity Study details the issues with the datasets. MGT listed the following issues:

- Data was maintained in a variety of different databases
- Electronic data did not include complete information for prime or subcontractors
- Contract change orders were inconsistently recorded
- Two departments did not collect bidder data
- Contracts were inconsistently classified by industry
- Contract numbers were not consistently linkable to payment database
- Data for design-build contracts was not collected nor maintained
- Ethnicity and gender information was available only for projects with M/WBE goals
- Vendor data was incomplete and inconsistent

However, the data provided by the County for prime contracts awarded from October 1, 1999 to September 30, 2002 included descriptions of the goods and services provided. The County's Finance and Accounting Department indicated that the sources for industry classifications were to be derived from FAMIS.

Based on the information regarding each contract and what was contracted for that was contained in the source material, they were classified into five industries according to the standards established by the U.S. Census Bureau: construction (if the contract was for light to major building work, or skilled labor such as carpentry, hauling, roofing, and painting); architecture and engineering (if the contract was for building design as well as surveying); professional services (if the contract was for legal, financial, mar-comm or other white collar services, in addition to medical services); other services (if a contract

³¹⁸ *Predisparity Study*, Chapter 3.0, Section 1, Subsections 3.1.1-1.4; pp. 3-1 through 3-8.



was for printing, temporary staffing, janitorial, or grounds upkeep); and equipment and supplies (if the contract was for paper and office supplies, chemicals, or parts).³¹⁹

Despite the data limitations, the County's vendors list consisted of 1,921 prime contracts for construction, and 358 for architecture and engineering. The FAMIS system consisted of 17,291 prime contracts for professional services, 275,907 prime contracts for other services, and 491,152 prime contracts for equipment and supplies.

B. Mason Tillman Methodology

Contracts awarded by the County from 2007 through 2011 were reviewed to determine the industry category for Mason Tillman's Disparity Study. For contract records without National Institute of Government Purchasing (NIGP), North American Industry Classification System (NAICS), or Standard Industrial Classification (SIC) codes, project descriptions were used to classify the contracts. A NAICS code was then assigned to each prime contract after review by the County.

The County's prime contractor utilization records were analyzed at the informal and formal dollar thresholds. The prime contract award amounts, change orders, amendments, and contract payments, were provided by the County's Internal Services Department. A comprehensive database of the County's spending from 2007 to 2011 was compiled from the data. The utilization analysis included federal and locally funded contracts.

The prime contract data did not include complete race and gender information. The missing information was secured by cross-referencing certification lists, trade and business organization directories, and staff interviews. The business owners were also surveyed to reconstruct the data. The contract records were analyzed in Mason Tillman's proprietary relational database application using a set of queries and utilities. The database application is designed to produce reports of business utilization by ethnicity, gender, and industry.

1. Subcontractor Records - Passive Analysis

Subcontract records had to be reconstructed because the County did not maintain comprehensive records for the 2007 to 2011 study period. Stringent data collection strategies were instituted to reconstruct subcontract data. The process included securing M/WBE reports and searching project files for bids/proposals, board resolutions, inspector logs, prevailing wage reports, close-out reports, invoice statements, and stop-payment notices. Prime contractors were surveyed to collect additional records. To verify the subcontract awards and payments, the subcontractors were also surveyed. The subcontract records were analyzed in the relational database used for the prime contract analysis. A separate analysis of subcontract utilization was prepared by industry, ethnicity and gender.

³¹⁹ *Predisparity Study*, pp. 3-2 to 3-3.



C. Comparison of Findings

The comparison of the prime and subcontractor utilization findings of MGT's Pre-disparity Study to the Mason Tillman Disparity Study's findings is described below.

1. Prime Contractor Utilization by Industry

Both the MGT and Mason Tillman disparity studies included a prime contractor utilization analysis by industry. MGT's analysis consisted of five industries; construction, architecture and engineering, professional services, other services, and equipment and supplies. Mason Tillman's analysis consisted of four industries; construction, architecture and engineering, professional services, and goods and contractual services.

The MGT Pre-disparity Study determined that 25.2 percent of construction prime contract dollars were awarded to Hispanic American contractors, and 4.25 percent were awarded to African American contractors. Approximately 69.38 percent of the construction prime contract dollars were awarded to Non-Minority Male businesses. Table 1.01 below compares the utilization by ethnicity and gender of formal construction prime contracts reported in MGT's 2002 Pre-disparity Study and Mason Tillman's Study.

Table 1.011: Construction Prime Contractor Utilization

Ethnicity and Gender	Percent of Construction Dollars	
	2000 – 2002	2007 – 2011
African American	4.25%	1.84%
Asian American	0.53%	0.03%
Hispanic American	25.20%	44.15%
Native American	0.00%	0.00%
Caucasian Female	0.64%	0.21%
Non-Minority Male	69.38%	53.77%



The MGT Pre-disparity Study determined that 49.14 percent of architecture and engineering prime contract dollars were awarded to Hispanic American businesses, and 8.43 percent were awarded to African American businesses. Non-Minority Male businesses were awarded 35.37 percent of architecture and engineering prime contract dollars. Table 1.02 below compares the utilization for architecture and engineering prime contracts reported in MGT's Pre-disparity Study to the findings in Mason Tillman's Study.

Table 1.012: Architecture and Engineering Prime Contractor Utilization

Ethnicity and Gender	Percent of Architecture and Engineering Dollars	
	2000 – 2002	2007 – 2011
African American	8.43%	1.01%
Asian American	4.33%	1.27%
Hispanic American	49.14%	25.34%
Native American	0.17%	0.00%
Caucasian Female	2.56%	3.25%
Non-Minority Male	35.37%	69.13%

The MGT Pre-disparity Study determined that 33.16 percent of professional services prime contract dollars were awarded to Caucasian Female businesses and 11.03 percent were awarded to African American businesses. Non-Minority Male businesses were awarded 47.94 percent of professional services prime contract dollars. Table 1.03 below compares the utilization for professional services prime contracts reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.013: Professional Services Prime Contractor Utilization

Ethnicity and Gender	Percent of Professional Services Dollars	
	2000 – 2002	2007 – 2011
African American	11.03%	6.14%
Asian American	0.03%	10.17%
Hispanic American	7.83%	18.03%
Native American	0.00%	0.00%
Caucasian Female	33.16%	2.40%
Non-Minority Male	47.94%	63.26%



The MGT Pre-disparity Study determined that 28.12 percent of other services prime contract dollars were awarded to Hispanic American businesses and 17.05 percent were awarded to African American businesses. Non-Minority Male businesses were awarded 49.64 percent of other services prime contract dollars. Table 1.04 below compares the utilization for other services prime contracts reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.014: Other Services Prime Contractor Utilization

Ethnicity and Gender	Percent of Other Services Dollars	
	2000 – 2002	2007 – 2011
African American	17.05%	9.59%
Asian American	0.10%	0.88%
Hispanic American	28.12%	17.74%
Native American	0.00%	0.00%
Caucasian Female	5.09%	9.66%
Non-Minority Male	49.64%	62.14%

The MGT Pre-disparity Study determined that 34 percent of equipment and supplies prime contract dollars were awarded to Hispanic American businesses and 3.74 percent were awarded to Caucasian Female businesses. Non-Minority Male businesses were awarded 60.21 percent of equipment and supplies prime contract dollar. Table 1.05 below compares the utilization for formal equipment and supplies contracts reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.015: Equipment and Supplies Prime Contractor Utilization

Ethnicity and Gender	Percent of Equipment and Supplies Dollars	
	2000 – 2002	2007 – 2011
African American	1.41%	N/A
Asian American	0.64%	N/A
Hispanic American	34.00%	N/A
Native American	0.00%	N/A
Caucasian Female	3.74%	N/A
Non-Minority Male	60.21%	N/A



2. Subcontractor Utilization by Industry

Both the MGT and Mason Tillman disparity studies included a subcontractor utilization analysis by industry. The MGT Pre-disparity Study's subcontractor analysis consisted of two industries; construction, and architecture and engineering. Mason Tillman's analysis consisted of three industries; construction, architecture and engineering, and professional services. The subcontractor utilization analysis compares the industries that are common in both reports. Although the comprehensive research undertaken identified 2,842 subcontracts – a significantly large dataset containing both M/WBE and Non-M/WBE businesses – the majority of the reconstructed subcontracts did not contain either an award or payment amount. Without the award and payment amount, the subcontract analysis had to be based on the number of subcontracts awarded.

The MGT Pre-disparity study determined that 43.32 percent of construction subcontract dollars were awarded to Hispanic American subcontractors, and 28.88 percent were awarded to African American subcontractors. Non-Minority Male subcontractors were awarded 24.47 percent of construction subcontract dollars. Table 1.06 below compares the utilization for construction subcontracts reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.016: Construction Subcontractor Utilization

Ethnicity and Gender	Percent of Construction Dollars	Percent of Construction Contracts
	2000 – 2002	2007 – 2011
African American	28.88%	2.76%
Asian American	0.68%	0.24%
Hispanic American	43.32%	35.28%
Native American	0.00%	0.08%
Caucasian Female	2.65%	2.68%
Non-Minority Male	24.47%	58.96%



The MGT Pre-disparity Study determined found that 69.55 percent of the architecture and engineering subcontract dollars were awarded to Hispanic American subconsultants and 29.21 percent were awarded to African American subconsultants. Non-Minority Male subconsultants were awarded 0.53 percent of architecture and engineering subcontract dollars. Table 1.07 below compares the utilization for architecture and engineering subcontracts reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.017: Architecture and Engineering Subcontractor Utilization

Ethnicity and Gender	Percent of Architecture and Engineering Dollars	Percent of Architecture and Engineering Contracts
	2000 – 2002	2007 – 2011
African American	29.21%	7.55%
Asian American	0.68%	4.23%
Hispanic American	69.55%	56.50%
Native American	0.00%	0.60%
Caucasian Female	0.03%	6.34%
Non-Minority Male	0.53%	24.77%

III. GEOGRAPHIC MARKET AREA

A. MGT Methodology

The data provided by the County contained the business address of the utilized prime contractors. Using this data, MGT defined the market area as the business location of the prime contractors that were awarded at least 75 percent of the County's contracts.

B. Mason Tillman Methodology

Utilizing a cluster analysis, Mason Tillman analyzed the number of contracts and the dollars awarded by the County, based upon the location in which the prime contractors were domiciled. The cluster analysis was performed according to industry, and was the basis for determining the market area for the County. The geographic market area was determined to be the contiguous location where at least 70 percent of the County's utilized prime contractors were located. One geographic market area was identified for all industries studied.



C. Comparison of the Study Findings

For construction, architecture and engineering, and other services, the MGT Pre-disparity study's geographic market area consisted exclusively of Miami-Dade County. The geographic market area for professional services included 12 counties. Table 1.08 below compares the geographic market area by industry reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.018: Geographic Market Area by Industry and County

Industry	2000 – 2002	2007 – 2011
Construction	Miami-Dade, FL	Miami-Dade, FL
Architecture and Engineering	Miami-Dade, FL	
Professional Services	Broward, FL Leon, FL Miami-Dade, FL Orange, FL Palm Beach, FL Orange, CA San Diego, CA Cook, IL Fulton, GA Montgomery, MD Wake, NC	
Other Services	Miami-Dade, FL	



Industry	2000 – 2002	2007 – 2011
Equipment and Supplies	Brevard, FL Broward, FL Collier, FL Duval, FL Hillsborough, FL Lee, FL Miami-Dade, FL Orange, FL Palm Beach, FL Pinellas, FL Polk, FL Saint Lucie, FL Seminole, FL Volusia, FL Maricopa, AZ Los Angeles, CA Orange, CA San Diego, CA Santa Clara, CA Cobb, GA Fulton, GA Gwinnett, GA Cook, IL Lake, IL Middlesex, MA Montgomery, MD Hennepin, MN Mecklenburg, NC Wake, NC Nassau, NY New York, NY Suffolk, NY Cuyahoga, OH Allegheny, PA Dallas, TX Harris, TX Fairfax, VA King, WA	Miami-Dade, FL

IV. AVAILABILITY ANALYSIS

A. MGT Methodology

The MGT Pre-disparity Study defined availability as the number of M/WBEs available to provide goods and services within the geographic market area during the study period.³²⁰ All businesses in the various industries within the geographic market area comprised the pool of available businesses.



³²⁰ *Id.*, pp. 3-9 to 3-10.

A total of 7,520 businesses were defined as available, identified from contractors utilized by the County, U.S. census records (used as a cross-reference and corroboration of other sources), County vendor lists, and directories of commercial information from market research companies such as InfoUSA, which was cited as an example. Only 5,606 of the 7,520 total businesses located in the geographic market area were included in the availability list.

The industry breakdown of the 5,606 businesses available in the geographic market area was 1,206 for construction; 479 for architecture and engineering; 918 for professional services; 1,002 for other services; and 2,001 for equipment and supplies. The Pre-disparity Study did not include a separate subcontractor availability analysis.

B. Mason Tillman Methodology

Ready, willing, and able M/WBEs and non-M/WBEs were identified using the following steps. This method, employed by Mason Tillman for more than 20 years, adheres to the 1989 Supreme Court decision *City of Richmond v. J.A. Croson* (*Croson*³²¹) and its progeny.³²²

1. Determine Prequalification Standards

Prequalification standards used by the County during the study period to determine a contractor's eligibility to bid and to be selected for contracts were defined prior to identifying available businesses. Prequalification standards used during the study period were reviewed to determine how and where they are applied in the contracting process. After careful review of the prequalification process or other formal standards that determine the selection criteria used in choosing firms who could perform on County contracts, capacity measures were then defined for all contracts in the industries awarded by the County. The availability strategies discussed below were used to identify businesses that might reasonably meet the capacity requirements of the County and perform the contracts the County awarded by industry during the study period.

2. County Records

Records of County businesses that have indicated an interest in doing business with them were provided. The primary source was the list of utilized firms. These firms have demonstrated both willingness and capacity. Registered and certified business lists were also sources of both willing and able businesses. In addition, businesses were retrieved

³²¹ *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

³²² Various cases, two of the most important in these regards being *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003), and *Concrete Works of Colorado, Inc. v. City of Denver*, 86 F. Supp. 2d 1042, 1073 (D. Colo. 2000), rev'd on other grounds, 321 F.3d 950 (10th Cir, 2003), cert. denied, 540 U.S. 1027 (2003).



from bid tabulations, vendor lists, and plan holder lists. Lists from the County's Small Business Development division and other certification agencies were also obtained.

3. Business Listings from Government and Private Sources

An extensive and targeted outreach effort to businesses in the market area was conducted since the number of firms identified using County records does not reflect the actual level of market area availability. The outreach identified willing and able M/WBEs and non-M/WBEs that have been deterred from bidding but are otherwise ready, willing and able to perform work on County projects.

The following sources and methods were used during the outreach to compile lists of businesses offering the goods and services the County procures.

- *Federal Sources:* The Central Contractor Registration (CCR), the most comprehensive federally sponsored source list and the Small Business Administration (SBA) Directories were queried for businesses domiciled in the market area.
- *County Sources:* The Small Business Development division was queried for businesses domiciled in the market area.
- *Organization Sources:* Trade and professional associations were targeted. Organizations were contacted to request their business lists as part of this outreach. Membership listings were solicited from both M/WBE and non-M/WBE organizations to compile a list of firms not present on the government lists.
- *Trade and Professional Organization Partnerships:* Mason Tillman and its subconsultants partnered with local trade organizations, minority legislators, and chambers of commerce to identify M/WBEs and non-M/WBEs that work as prime contractors or subcontractors on public contracts but have not bid on County contracts.

4. Conduct Outreach

Outreach efforts were specifically targeted to those underrepresented firms that reflect the diversity of the market area. The outreach used the following sources and methods in compiling lists of businesses offering the goods and services the County procures.

- *Media Outreach:* Broad-based and ethnic-focused media were contacted to disseminate information about the Study. Drawing upon the subconsultants' established relationships with local media, articles were placed in regional publications targeting African American, Hispanic American, Asian American, and Native American communities, as well as Caucasian business owners.



- *Public Service Announcements:* Public service announcements were distributed to targeted radio, television, and cable stations, and press releases were distributed to select print media sources.
- *Community Meetings:* Four business community meetings were conducted to announce the Study and provide the business community with accurate information regarding the Study's purpose, scope, and the benefits that the business community will derive from the Study's successful completion. Businesses were invited using public notices and invitations through the trade associations, ethnic chambers of commerce, and the mailing lists compiled for the Study. Value-added services such as informal bid opportunities, the Small Business Development's certification services, financing, and bonding program information were included in the agenda to encourage businesses to attend.

5. Assess Willingness

"Willingness" is defined in *Croson* and its progeny as a business interested in doing government contracting. To be classified as willing, a business must meet one of the following criteria: 1) have bid on a contract, 2) secured government certification, 3) responded to the outreach campaign conducted in conjunction with the Study, or 4) was listed on a business organization's membership list and affirmed an interest in contracting with the County through the willingness survey. The willingness survey was the method used to determine the willingness of businesses identified from non-government sources. Only businesses identified from a government source or affirmed their willingness to contract with County were considered "willing" in the availability analysis.

C. Comparison of Findings

The MGT Pre-disparity Study determined that Hispanic American and Non-Minority Male businesses comprised the largest portion of available businesses within each industry, followed by African American and Caucasian Female businesses. Asian American and Native American businesses consistently comprised the smallest portion of available businesses within each industry. Table 1.09 below compares the prime contractor availability by industry reported in MGT's Pre-disparity Study and in Mason Tillman's Study.

Table 1.019: Prime Contractor Availability by Industry

Ethnicity and Gender	Construction		Architecture and Engineering		Professional Services		Other Services		Equipment and Supplies	
	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011
African American	17.83%	15.59%	9.39%	7.00%	9.91%	21.71%	3.25%	15.82%	3.25%	N/A
Asian American	0.83%	1.06%	3.97%	4.79%	1.63%	2.67%	1.45%	1.38%	1.45%	N/A
Hispanic American	50.91%	69.05%	56.99%	58.56%	33.99%	53.52%	32.18%	41.13%	32.18%	N/A
Native American	0.17%	0.00%	0.21%	0.00%	0.22%	0.00%	0.20%	0.14%	0.20%	N/A
Caucasian Female	3.98%	3.35%	4.80%	6.63%	13.07%	8.57%	6.50%	7.29%	6.50%	N/A
Non-Minority Male	26.29%	10.95%	24.63%	23.02%	41.18%	13.52%	56.42%	34.25%	56.42%	N/A



V. DISPARITY ANALYSIS

A. MGT Methodology

The MGT Pre-disparity Study utilized the relationship between the number of M/WBE businesses determined to be available and the number utilized to produce a “disparity index.” The disparity index derives from the ratio of the percent utilized divided by the percent available for each ethnic and gender group. That number is then multiplied by 100 to create an index where zero equals absolute disparity, and 100 equal parity.

The Pre-disparity Study’s methodology included the “80 percent rule” set by the federal Equal Employment Opportunity Commission (EEOC). According to the 80 percent rule any funding below 80 percent (corresponding to a disparity index of 80) indicates a “substantial disparity.” Case law precedent for this guideline is cited in *Connecticut v. Teal*³²³ (*Teal*). *Teal* is further cited as a precedent for MGT’s interchangeable use of the terms “adverse impact”, “disparate impact” and “discriminatory impact” to denote disparities characterized in the context of the 80 percent rule.

B. Mason Tillman Methodology

Mason Tillman’s disparity model is based on comprehensive legal standards as set forth in *Croson* decision and its progeny. The model calculates disparity using parametric, non-parametric, and simulation analyses which compare availability and utilization data by ethnicity and gender within each industry.

The disparity analysis includes a statistical test of the use of available M/WBEs and non-M/WBEs. Under a fair and equitable system of awarding contracts, the proportion of contract dollars awarded to M/WBEs would be equal to the proportion of available M/WBEs in the relevant market area. If these proportions are not equal, or if a disparity exists between these proportions, a statistical test is used to determine the probability that the disparity is due to chance. If there is a very low probability that the disparity is due to chance, the Supreme Court states that an inference of discrimination can be made. When conducting the statistical tests, Mason Tillman uses a 95 percent confidence level, which the Courts consider to be an acceptable level in determining whether an inference of discrimination can be made.

When analyzing the actual contract dollars received by a given ethnic and gender group and the expected contract dollars that each ethnic and gender group should receive, any difference between the actual and expected dollars can be interpreted as due either to chance or to discriminatory treatment through preferential practices in the contract award process.



³²³ *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982).

C. Comparison of Findings

1. Prime Contractor Disparity Analysis

The MGT Pre-disparity Study found a statistically significant disparity for all M/WBE groups in the prime contractor disparity analysis for construction contracts. Statistically significant disparity was found for Caucasian Female prime contractors in architecture and engineering. Asian American, Hispanic American, and Native American prime contractors were found to have a statistically significant disparity for professional services prime contracts. The Pre-disparity Study also found statistically significant disparity for Asian American, Hispanic American, and Native American prime contractors in other services. African American, Asian American, Native American, and Caucasian Female prime contractors were found to have a statistically significant disparity in equipment and supplies. Table 1.10 below compares the prime contractor disparity analysis by ethnicity and gender per industry reported in MGT's Pre-disparity Study and in Mason Tillman's Study.

Table 1.20: Prime Contractor Disparity Analysis by Industry

Ethnicity and Gender	Construction		Architecture and Engineering		Professional Services		Other Services		Equipment and Supplies	
	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011
African American	Yes*	Yes*	Yes	Yes*	No	Yes*	Yes	Yes*	Yes*	N/A
Asian American	Yes*	Yes*	No	Yes	Yes*	No	Yes*	Yes*	Yes*	N/A
Hispanic American	Yes*	Yes*	Yes	Yes*	Yes*	Yes*	Yes*	Yes*	No	N/A
Native American	Yes*	----	Yes	----	Yes*	----	Yes*	----	Yes*	N/A
Caucasian Female	Yes*	Yes*	Yes*	Yes*	No	Yes*	Yes	No	Yes*	N/A
Non-Minority Male	No	No*	No	No*	No	No*	No	No*	No	N/A

Yes = Underutilization No = Overutilization

Yes* = Statistically Significant Underutilization No* = Statistically Significant Overutilization

---- = Underutilization with too few available firms to test statistical significance

2. Subcontractor Disparity Analysis

The MGT Pre-disparity Study found a statistically significant disparity for Native American and Caucasian Female construction subcontractors, and for Asian American, Native American, Caucasian Female, and Non-Minority Male architecture and engineering subcontractors. The Pre-Disparity Study did not include a subcontractor disparity analysis for professional services, other services, or equipment and supplies. Despite an extensive and protracted research effort, neither payment, nor award data could be secured for 2,413 subcontracts. Therefore, the disparity findings are calculated on the 2,842 subcontracts awarded. There was also an insufficient number of architecture and engineering and professional services subcontracts to perform a separate analysis for each industry. Thus, the contracts awarded in these two industries were combined in order to have sufficient power to perform a test of the statistical significance of the disparity observed in each industry. Mason Tillman's Study did not include a subcontractor disparity analysis of other services and equipment and supplies.



Table 1.11 below compares the subcontractor disparity analysis by ethnicity and gender per industry as reported in MGT's Pre-disparity Study and Mason Tillman's Study.

Table 1.21: Subcontractor Disparity Analysis by Industry

Ethnicity and Gender	Construction		Architecture and Engineering		Professional Services		Architecture, Engineering, and Professional Services	
	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011	2000 - 2002	2007 - 2011
African American	No	Yes*	No	N/A	N/A	N/A	N/A	Yes*
Asian American	Yes	----	Yes*	N/A	N/A	N/A	N/A	No
Hispanic American	Yes	Yes*	No	N/A	N/A	N/A	N/A	Yes
Native American	Yes*	----	Yes*	N/A	N/A	N/A	N/A	No
Caucasian Female	Yes*	Yes	Yes*	N/A	N/A	N/A	N/A	Yes
Non-Minority Male	Yes	No*	Yes*	N/A	N/A	N/A	N/A	No*

Yes = Underutilization No = Overutilization
 Yes* = Statistically Significant Underutilization No* = Statistically Significant Overutilization
 ---- = Underutilization with too few available firms to test statistically significance

VI. PRIVATE SECTOR ANALYSIS

A. MGT Methodology

The MGT Pre-disparity Study's private sector analysis examined the effects of race and gender, along with other individual economic and demographic characteristics, on self-employment rates and business earnings. The data utilized in the Pre-disparity Study was taken from the Public Use Microdata Samples (PUMS) from the 2000 U.S. Census of Population and Housing for the Miami-Fort Lauderdale Consolidated Metropolitan Statistical Area. The analysis addressed the following research questions:

- Are racial, ethnic, and gender minority groups less likely than non-minority males to be self-employed?
- Does race/gender/ethnicity status have an impact on individuals' earnings?
- If M/WBE's and Non-Minority Males shared similar traits and marketplace "conditions", such as similar "rewards" in terms of capital and asset accrual, what would be the effect on rates of self-employment by ethnicity and gender?

1. Self-Employment Rates

A binary logistic regression model was used to calculate the probability of being self-employed based upon the following predictors:

- Ethnicity and Gender: African American, Asian American, Hispanic American, Native American, Caucasian Female, Non-Minority Males
- Availability of Capital: homeownership, home value, mortgage rate, unearned income, residual income
- Marital Status
- Ability to speak English well
- Disability status: From individuals' reports of health-related disabilities



- Age and Age²: squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings
- Owner's level of education
- Number of individuals living in a household over the age of 65
- Number of children who are living in a household under the age of 18

2. Business Earnings

A linear regression model was used to estimate the effects of the demographic and economic variables presented below on self-employed business earnings. The demographic and economic variables used in this analysis were:

- Ethnicity and Gender: African American, Asian American, Hispanic American, Native American, Caucasian Female, Non-Minority Males
- Availability of Capital: homeownership, home value, mortgage rate, unearned income, residual income
- Marital Status
- Ability to speak English well
- Disability Status: From individuals' reports of health-related disabilities
- Age and Age²: squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings
- Owner's level of education

3. Marketplace Conditions

Finally, the MGT Pre-disparity Study determined whether M/WBE's and Non-Minority Males shared similar traits and marketplace "conditions", such as similar "rewards" in terms of capital and asset accrual.

The methodology employed in the Pre-disparity Study for this analysis was consistent with the methodology from a disparity study cited in the *Concrete Works v. City of Denver (Concrete Works II)*.³²⁴ This methodology utilizes three sets of findings: U.S. Census rates of self-employment by gender and ethnicity; predicted rates of self-employment derived from the analysis of Question 1; and a derivation of a hypothetical value creating a percentage value directly attributable to gender and ethnicity. Instead, as discussed below, Mason Tillman conducted a third regression analysis to determine the effects of ethnicity, gender and other socio-economic characteristics on access to capital.



³²⁴ *Concrete Works of Colo., Inc. v. City of Denver*, 86 F. Supp. 2d 1042, 1073 (D. Colo. 2000), rev'd on other grounds, 321 F.3d 950 (10th Cir. 2003), cert. denied, 540 U.S. 1027 (2003).

B. Mason Tillman Methodology

The Mason Tillman Study's private sector analysis employs three models to assess whether ethnicity, gender, and race-neutral characteristics have had an adverse impact on the formation and growth of M/WBEs in the geographic market area.

1. Self-Employment Rates

A logistic regression analysis was used to determine if ethnicity and gender have a statistically significant effect on business formation rates (synonymous to self-employment rates), when controlling for owners' characteristics, such as age, education, marital status, access to capital, home ownership, and home value. Data reported in the PUMS dataset was used to compare business formation rates and business earnings of M/WBEs to similarly situated non-M/WBEs.

2. Business Earnings

A linear regression analysis was conducted, also using PUMS, to determine if ethnicity and gender have a statistically significant effect on business earnings, when controlling for owner characteristics, such as age, education, marital status, access to capital, and related variables.

3. Access to Capital

A logistic regression analysis was conducted using the National Survey of Small Business Finances data to compare loan denial rates of minority and woman-owned business to the denial rates of similarly situated non-minority males. The logistic regression analysis determined if ethnicity and gender have a statistically significant effect on loan approval rates and access to credit, when controlling for business characteristics, such as credit history, demographics, and other socio-economic indicators.

C. Comparison of Findings

Both the MGT and Mason Tillman Studies used different regression models and different datasets for the private sector analysis. Therefore, a direct comparison of the findings would not be feasible. Instead, an interpretation of the findings for the common regression models and analyses are presented below for each Study's private sector analyses.

1. Self-Employment Rates

In the binary logistic regression analysis assessing the effect of ethnicity, gender, and other socio-economic characteristics on self-employment rates, the MGT Predisparsity Study found that African Americans, Hispanic Americans, and Caucasian Females had statistically significant lower rates of self-employment than similarly situated Non-



Minority Males in all industries combined, construction, other services, and goods and supplies. The Pre-disparity Study also found that African Americans, Hispanic Americans, Asian Americans, and Caucasian Females had statistically significant lower rates of self-employment than similarly situated Non-Minority Males in professional services.

In comparison, Mason Tillman's Study reported no findings of statistically significant lower rates of self-employment in construction. However, the Study found that African American and Caucasian Females had statistically significant lower rates of self-employment in professional services (which included architecture and engineering) than similarly situated Non-Minority Males, and African Americans had statistically significant lower rates of self-employment in goods and services than similarly situated Non-Minority Males.

2. Business Earnings

In the linear regression analysis assessing the effect of ethnicity, gender and other socio-economic characteristics on business earnings, the MGT Pre-disparity Study determined that African Americans, Hispanic Americans, Asian Americans, and Caucasian Females had statistically significant lower business earnings than similarly situated Non-Minority Males in all industries combined, other services, and equipment and supplies. For construction, the Pre-disparity Study found that African Americans, Hispanic Americans, and Asian Americans had statistically significant lower business earnings than similarly situated Non-Minority Males. For professional services, the Pre-disparity Study found that African Americans and Caucasian Females had statistically significant lower business earnings than similarly situated Non-Minority Males.

In comparison, the Mason Tillman Study found only one instance of business earning disparity; Caucasian Females had statistically significant lower business earnings in professional services than similarly situated Non-Minority Males.

VII. RECOMMENDATION IMPLEMENTATION

An evaluation of the County's implementation of the recommendations made to the County in MGT's Pre-disparity Study was conducted. It should be noted that these recommendations were made with the goal of enabling the County and a selected consultant to conduct an efficient, cost-effective disparity study. To that end, the Pre-disparity Study suggested the following nine recommendations:

1. Establish a data warehouse by gathering and consolidating data from procurement databases, the County's account payable system and other sources
2. Store bid information digitally, including disparity-relevant data
3. Export building-permit data to the data warehouse



4. Reorganize the Department of Business Development (DBD) contracts database to include untapped disparity-relevant data sources
5. Track all subcontractors and provide the data to the DBD
6. Adopt a common numbering system for contracts and vendors so that contract and Purchase Order (PO) information is cross-referenced between the procurement and payment systems
7. Link payments, with dates, to purchase orders and contracts and cross-reference throughout the system
8. Have all procurement databases and systems identify all vendors by the NAICS code and work category assigned to them in the bid phase
9. Standardize charts of accounts in payment databases, cross-referenced to disparity-relevant NAICS codes, such that that data is readily accessible

In table 1.12 below, an assessment of the implementation status of some recommendations is delineated. There was limited information regarding the implementation of the recommendations.

Table 1.22: MGT Pre-disparity Study Recommendations' Implementation Status

Recommendation	Implementation Status
1. Establish a Data Warehouse	Unknown
2. Store Bid Information Digitally	Unknown
3. Export Building Permit Data to Data Warehouse	Unknown
4. Reorganize DBD's Contracts Database	Yes
5. Track all Subcontracts	No
6. Adopt Common Numbering System	Unknown
7. Link Payments to Purchase Orders and Contracts	No
8. Capture Vendor NAICS Codes and Types of Work	No
9. Standardize Charts of Accounts	Unknown

Yes=Implemented No=Not Implemented
Unknown=Implementation Status Not Available



Appendix D: COUNTY DEPARTMENT MANAGERS ANECDOTAL REPORT

I. INTRODUCTION

Mason Tillman was commissioned by Miami-Dade County (County) to conduct a Disparity Study. The Study includes a review of the contracting and procurement policies of the County in the areas of construction, architecture and engineering, professional services, and goods and other services. Interviews were conducted with County department managers to develop comprehensive recommendations to remedy any statistical findings of underutilization of available minority and woman-owned business enterprises (M/WBE).

A. Methodology

The interviews were conducted with County procurement managers responsible for issuing contracts for construction, architecture and engineering, professional services, and goods and other services. The purpose of the County Manager Anecdotal Report is to determine the contracting practices of County managers compared to the formal written procedures, set forth in the following documents:

- General Solicitation Practices
- General Administrative Procurement Practices
- Business Enterprise Program Requirements
- Outreach Practices to S/M/WBEs
- Data Management Practices

Potential interviewees, identified by the County, were contacted to determine their willingness to participate in an anecdotal interview. Managers were contacted to be interviewed. All the potential interviewees were directly involved with the County's procurement procedures and practices pertaining to the solicitation of construction, architecture and engineering, professional, or goods and other services. Ten interviews were conducted.

A set of probes was used for the interviews to elicit information regarding the interviewee's experience with the County's procurement practices, procedures, and policies. The probes addressed all aspects of the contracting process from pre-award through contract close-out.



II. GENERAL SOLICITATION PRACTICES

Anecdotal testimony from County managers is presented below. County managers are executives and administrators responsible for the day-to-day operations of County government, as defined in Administrative Order 3-39.

A. Request for Proposals/Request for Qualifications

The County utilizes Request for Proposals (RFP) for commodity or contractual services. Implementing Order 3-38 describes the procedures for soliciting goods or services through a RFP. The user department must specify in writing the impracticability of using an Invitation to Bid (ITB) before using the RFP solicitation method. Solicitations utilizing an RFP are authorized when (1) the scope of work cannot be completely defined by the County; (2) the required goods or services can be provided in several different ways; (3) qualifications, experience or the quality of the goods or services to be delivered are significant factors of consideration, in addition to price; or (4) the responses may contain varying levels of services or alternatives which lend themselves to negotiation.

The RFP should minimally include:

- Applicable laws and rules
- Scope of services
- Qualifications requirements
- Proposal instructions, terms and conditions of the contract
- Evaluation criteria

The evaluation criteria may include qualifications and experience of proposer, methodology and management approach, understanding of the project, technical experience, financial solvency, references; and costs.

County Manager, procures goods and other services:

Contracts that are estimated up to \$250,000 are considered an informal bid. They do not have to be opened by the clerk of the board. As a general rule, anything that is between \$100,000 and \$250,000, whether it is opened by the agent or by us, is usually a sealed bid. There are four parts to the bid package. Part one is the boilerplate, which includes the general terms and conditions of any particular bid. Part two includes the special conditions. Part three is the technical specifications. Finally, part four is the proposal. The special conditions might be, for example, insurance requirements, costs or pre-qualifications documents. We publish it on the web.



Some RFPs are advertised through our advertisement department, but very rarely, because it is too expensive. We have almost completely stopped advertising in the newspaper. We send the bid to the Small Business Development Department (SBD), and the requirements depend on what they attach to the bid after their review.

County Manager, procures professional services:

RFPs are sent to the universe. We can only award to the responsive and responsible firms. In other words, we look at the value that they bring as opposed to just the price. In most instances, for prices we don't use a formula, we evaluate price subjectively, in relation to the proposal itself. The chair of the selection committee is a non-voting position. Ideally they are individuals with the expertise in the area of what you are buying. But just as important is to have someone who has demonstrated the capacity to comprehend what it is that we are trying to get. Some of the purchases through an RFP can be pretty simple. Others can be extremely complex. For example if we are seeking auditing services, we want someone with the background of either accounting or auditing.

County Manager, procures professional services:

For formal RFPs, we send out our scope of services to qualified vendors. The contract is awarded based on who replies, if they meet the requirements. So basically we look for a vendor who's qualified and who meets the services that we need. We prepare the RFP, and send it out to the public, and then wait to see what the industry comes back with.

County Manager, procures architecture and engineering services:

If the architecture and engineering project is valued at \$500,000 or less, they go through the EDP. If it's more than \$500,000 and less than \$2 million, they still go through the EDP, but if it's more than \$2 million, I believe that it will go through our regular traditional solicitation process.

County Manager, procures architecture and engineering services:

We send out Notices to Professional Consultants (NTPCs) requesting proposals from firms so that they can be evaluated based on qualifications. Typically, the user department will contact our department to let us know the scope that they are requiring, and to put together a document that's called a "request to advertise." The



request to advertise gives the County the authority to solicit the procurement for architecture and engineering services. We send a memo to the Department of Regulatory and Economic Resources (RER) informing them of the scope of services, and they do a review to see if there are available CSBEs so they can apply a community business enterprise businesses goal. Based on the request to advertise, we will write a notice to professional consultants or an NTPC. This is the solicitation document that is divided into three sections. Division I describes the rules and parameters of the procurement process. The second division describes how the proposal is supposed to be compiled. The third division explains how the proposers will be evaluated. After it is advertised, the “Cone of Silence”³²⁵ takes effect, which sometimes results in a lot of complaints because it makes it very difficult to communicate.

But the Cone of Silence makes sure that no proposer has an advantage over another. Everyone has access to all of our records. We conduct a pre-submittal project briefing. This is the only time during the procurement process where the Cone of Silence is lifted. At the briefing representatives talk about the community business goals that might be applicable to the contract. Attendance is almost never required, but is encouraged. It’s a good networking session for the industry because they get to see who is interested in applying. The attendance sheet is always posted on our site to give everyone easy access to contact each other to formulate teams. The Cone of Silence is immediately put back into place once the meeting is adjourned.

The proposals are received by the Clerk of the Board. If there any late proposals, the clerk is mandated to accept them, but we can’t open them until the County attorney gives an opinion that they haven’t gained any competitive advantage by the tardiness. Once we get the proposals, the coordinator conducts what is called an inventory to make sure that they were prequalified and technically certified at the time of proposal submittal. We prepare a checklist for the selection committee. After proposals are reviewed, we call for a first-tier evaluation. The first-tier evaluation typically happens 16 working days after the proposals are received. The architecture and engineering coordinator is the chairperson for the committee. We are non-voting members. The committee is typically comprised of five individuals: two from the user department and the other three are from other County departments. Typically, all have expertise

³²⁵ The “Cone of Silence” prohibits oral communication between vendors, bidders, lobbyists and the County staff between the time that the bid, RFP or RFQ is drafted by the Department of Procurement Management and the written recommendation of the County manager to the County, City Commission or Council.



that is relevant to the solicitation, and they evaluate the proposal based on the criterion.

The criteria include qualifications of the team members, ability to interface with the County, past performance of the firm, and things of that nature. The evaluation points equal up to 100 points per committee member. There was legislation passed not too long ago which dictated that we had to base rankings on ordinal scores. We had previously based our rankings on a qualitative evaluation system, but the Board felt that an ordinal ranking would be more appropriate. We take the qualitative scores for each committee member, and then we convert it into one ordinal score. The legislation requires us to not only convert into ordinal scores, but we have to drop the low and the high ordinal score and base the rankings on the remaining three scores.

We apply local preferences to our solicitation firms that are local and are more highly ranked than non-local firms. We call in the highest ranked firm to negotiate. The RFR sends us a memorandum letting us know if the firms are compliant; if not, then they are eliminated and they are not allowed to continue. Once we get the approval to negotiate, then we can contact the highest-ranked firm and let them know they've been selected. We send the unsuccessful firms a letter thanking them for their participation and notify them of the successful firm.

B. Invitation to Bid

Implementing Order 3-38 authorizes the use of an Invitation to Bid (ITB) when the scope of work required can be specified. The ITB should include a detailed description and price for each year if the department contemplates renewal of the contract. Responses must be received in a sealed envelope.

County Manager, procures design construction services:

We send out ITBs to contractors on the Miscellaneous Construction Contract (MCC) lists. We send out faxes to all the companies on the list. We have a contract section in this department that handles ITBs because it's almost a daily event. For formal ITBs, we put together all the specifications and technical requirements. We used to sell the actual plans for jobs, but now we sell CDs. Vendors come and buy the plans and then put in their formal bids. We have an opening procedure, including a recording when they open the bids to read them. The projects have to be advertised. The architecture and engineering selection group and the MCC group take care of the



advertising. The ITBs are advertised through the email or website. We used to have minority and women business enterprise goals, but we did away with those years ago. Now we are supposed to include small businesses—at least two—in our bids. I think we are supposed to try to contact at least two small businesses when we solicit formal ITBs, but I guess if the names are provided it would ensure they were sent.

County Manager, procures construction services:

For the 7360 MCCs, it is an open market solicitation. We advertise in the Daily Business Review, and any contractor who is licensed to do the scope of work can submit a bid. If they are the lowest bidder, they're selected. We have to do our due diligence to make sure their licenses, insurances, etc. are up-to-date. Once everything is okay, they are allowed to start working on the project.

For the 7040 MCCs the issuing department identifies if there is an emergency or if it is a regular project that needs to be done. They have to determine if we have the availability of 7040 contractors to participate. We go to the system and create a request for a price quotation. There is a long list of things that we have to put in the system, including the bid due date, estimated value of the requested services, the commissioned area where the project is to take place, types of licenses required to submit a bid, etc. It's more like a checklist of items they have to fill out including scope of work, location, and financial information.

If we do have a project valued up to \$10,000 for the 7040 MCCs, which are for community small business enterprises, only one contractor at a time is invited to participate. That does not necessarily mean that we are going to award the contract to them. What it means is that there will be no competition. We invite them in and we say, "Listen, we are going to have this project and our estimate to perform this work is \$5000. What is your price?" If they tell us a price above this amount we ask them "Why are you above?" We have the right to negotiate with them, but usually we ask for a breakdown. They have to explain why their price is higher than the estimated cost. It's important to mention that regardless of the dollar amount, for anything above or below 20 percent of the estimated value, the department will send an email asking for justification. If their reason is justifiable and they say, "Yes, I can perform," and have the necessary documentations, licenses, insurances, etc., up-to-date we award to them. If not, we go to the next one on the rotation list.



For 7040 MCCs valued between \$10,000 and \$200,000, the departments have to contact minimally three contractors. The selection of these contractors is based also on the rotation list. There is a mathematical formula that we use to select these contractors.

For MCCs valued above \$200,000, all contractors are invited. For example, if we have a scope of work for drainage that is usually for people who work in the construction industry. They are going to get invited, but there are other types of licensed general building contractors, such as pipeline engineering, underground utility, and excavators, who also can do the same scope of work. So there are some solicitations requesting more than one license.

County Manager, procures construction:

Prime contractors must be qualified. If it's for a 7040 project the subcontractors have to be certified as Community Small Businesses (CSBs), but not for 7360 projects. We do not release payments for mobilization costs. It's the responsibility of the prime contractor. We have subcontractor substitution standards. In the case of 7040 projects, a contractor submits its bid package with its schedule of intent, which provides what subcontractors will be used on the project and their percentage. However, sometimes the subcontractors are not available or their license has expired. Then they have to go to SBD and ask in writing for authorization to substitute the subcontractor. The director of the department will issue a letter authorizing the substitution, otherwise they are not allowed.

County Manager, procures construction contracts:

Once the Request for Price Quotation (RPQ) is created it is emailed, faxed or hand-delivered to contractors. The contractors will have X amount of days, according to Florida statutes. For example, if we have an RPQ that is above \$500,000, we have to give a minimum of 30 days from the advertisement to the bid opening. However, if we have an emergency, we create our own rules as established by Florida statutes. Sometimes a bid is not open and is returned to the contractor because it was not included in the invitation. If they were not part of the bidders list, only the companies in the system can submit a bid for that specific project. Bids above \$10,000 are opened through a sealed envelope process. They receive the solicitation and they have to respond to the solicitation in a sealed envelope. Contractors will receive the solicitation via fax or email, but for anything above \$10,000, nine percent of the time it's emailed. The



system generates a form that provides all the information, scope of work, location, and if a bond is required.

County Manager, procures goods and other services:

All of our contracting data is captured by the bid tracking system. As a result of the Commissioner's request about a year or two ago, she asked us to track identification data as a part of our vendor registration process to include ethnicity gender. We thought that people would understand that this is a positive thing, but we were accused of being racist, especially due to the name of the survey tool, "Survey Monkey." They thought it was being used to block out a certain group of people.

County Manager, procures goods and other services:

The informal level is anything over \$250,000. Formal solicitations have to be advertised to the universe. The solicitation and the receipt of the bids are handled through a formal sealed bid process. In other words, we announce that we are having a bid opening on a certain date at a certain place. Those bids are opened in a public environment. There are no advertising requirements for informal solicitations up to \$250,000. We advertise for at least two weeks for formal solicitations. Oftentimes it's longer, depending on the complexity in terms of what kind of response or preparation time may be needed.

County Manager, procures goods and other services:

If the ITB is not \$250,000 per term, we don't have to advertise it to everyone. So we can be selective in the number of bidders that we invite. Though it's available to us, we tend not to email-blast everyone in the commodity pool that is registered. Informal solicitations can be opened at our desk or can be received by fax.

County Manager procures goods and services and construction services:

It's based on the lowest bidder. We have no control on whether someone is a minority or not. Some contracts have preferences for SBEs. If the contract does allow for small business preferences that's when we use our tally sheet. Once we get the quotes back, they get a ten-percent discount. So someone that is a small business may actually have a higher quote, but once we apply the discount they then may become the lowest bidder. But we still have to pay them the full amount.



County Manager, procures goods and other services:

For formal ITBs, the process is a little bit more rigid. It includes anything that exceeds \$250,000. Our contract is lengthier based on our terms and conditions. The ITBs does get blasted to everyone that is listed under the commodity code. It is only open by the clerk. We have to advertise it to everyone. The vendors have to be registered in order to be invited to bid. We advertise for at least two weeks; if there is a pre-bid meeting, we try to keep it out for three weeks. Before we advertise a bid, the RER Department reviews our proposal to determine if there are sufficient small businesses that can meet the requirements. They review the specifications and the requirements to determine if there is enough small business participation to meet the needs. If there are, they do what is called a set-aside. They set aside the solicitation for small businesses. For example, I have a lot of very small landscaping companies, so if it's a contract that small businesses can manage, usually those are set aside. If it is a very large contract, the small businesses are invited, but so are the large.

County Manager, procures goods and other services:

Informal ITB solicitations are sent to SBEs if they are available. In other words, we go to three vendors, and if there is an available SBE we go to either one or two vendors. But the informal solicitations are limited to a few suppliers. We do not have to use a formal sealed bid submittal, so the informal responses can be received via fax or email.

C. Invitation to Negotiate

The County utilizes Invitations to Negotiate (ITN) to determine the best method to procure a good or service. One or more responsive vendors are identified for negotiation for the best value. The user department determines whether an ITB or an RFP is more practical before soliciting ITNs. The responses are received in a sealed envelope, and the evaluation criteria must be specified in the ITN. The contract is awarded to the responsible and responsive bidder who will provide the best value to the County.

The ITN process consists of two steps.

Proposals received in response to ITNs are reviewed by a Technical Advisory Committee (TAC). The TAC provides its findings to the Selection Committee comprised of high-level County Officials. The Selection Committee evaluates and ranks proposals on the following criteria:



- Proposer's relevant experience, qualifications, and past performance
- Relevant experience and qualifications of key personnel, including subcontractors
- Proposer's approach to providing the services

The criteria are itemized with their respective weights for a maximum total of 400 points per SC member. The Selection Committee will provide its recommendation to the Mayor for negotiations after completion of the evaluations. Proposers may be required to make an oral presentations prior to Selection Committee's recommendation to the Mayor.

County Manager, procures professional services:

The ITN process is the same as for RFPs and ITBs. We prepare a scope of services and send it out to the public, or to whatever industry we are interested in attracting. We bring them in and sit them down and negotiate aspects of the proposal so it best fits the department's needs.

County Manager, procures goods and other services:

Invitations to negotiate are usually followed by an RFP. We negotiate every bid. Our boilerplate says that we can negotiate with our lowest bidder.

County Manager, procures construction services:

Let's say we have a \$2 million drainage project. Since it is above \$200,000, everyone has to be invited, including general contractors, general engineers, etc., so the bidders list can be as high as 300 to 500 companies. They all receive invitations, but not all of them respond. Once we determine the lowest bidder, we start a negotiation with them. We have to advertise in the Daily Business Review. We also put these projects in the procurement website and in legal notices.

D. Small Purchase Orders

Small purchase orders are utilized on procurements valued at \$25,000 and under, as set forth in Implementing Order 3-38. Department Directors³²⁶ are responsible for their department's use of small purchase orders. The Internal Services Department tracks departments' use of small purchase orders.



³²⁶ Or their designees.

County Manager, procures goods and other services:

Small purchase orders are used for procurements that are less than \$25,000. Each department can do these purchases on its own. There is a requirement in our procurement guidelines that if it is less than \$100,000, they shelter it for SBEs. If they can't find a SBE, then they also include larger firms. If it's one penny above \$250,000 then the formal solicitations process applies.

County Manager, procures goods and other services:

Small purchase orders are used for procurements of \$25,000 or less. If it is \$25,000 to \$250,000, we use the informal process. We use the ITB for formal solicitations.

County Manager, procures goods and other services:

The vendors are required to list on their bids the suppliers to be used for the products. In the same affidavit, the subcontractors are listed. This is for anything over \$100,000.

E. Sole Source Procurements

Implementing Order 3-38 permits the use of sole source procurements if no other vendor is available that can compete to provide the goods or contractual services being sought. Sole source purchases that exceed \$250,000 must be approved by the Board of County Commissioners.

If the value of the sole source expenditure exceeds \$250,000, the ISD Director must prepare a recommendation for the County Mayor. The County Mayor will consider and may present the recommendation to the Board of County Commissioners for award.

Justification for the sole source must be submitted to the Procurement Management Services Division of ISD for evaluation and analysis. Minimally, the justification should include:

- Purpose of the acquisition
- Uniqueness of the item or service
- Explanation as to why a waiver of the competitive process is in the County's best interest
- Market research performed to support a sole source procurement, and
- User department's proposed actions to enhance competition in future acquisitions



County Manager, procures construction services:

We have to justify why the procurement is a sole-source. For example, if someone did the initial installation and later there is a problem, we want to go back to the original company. Or if it was a major air conditioning installation we want to go back to the main designer. I do not know if there are threshold limitations for sole-source procurement.

County Manager, procures goods and other services:

The vendor has to prove that it is the only one that can provide the service. We also do our market research to make sure that there is no one else that can provide that service. I am not aware of any threshold limitations.

County Manager, procures construction services:

Sole source procurements are very rare. We are very stringent about allowing a department to move forward with sole sources. However, there are a few exceptions. An exception is if we have a fire alarm system and a certain vendor has the electrical panels. However, I would say right now, 99 percent of MCC are not sole sources.

County Manager, procures construction services:

The justification for sole-sources only occurs when only one vendor is available for the purchase or service. In other words, we are looking for a specific service and only one place provides it. That is the only time that that should happen. There is a threshold limit for purchases over \$25,000 dollars. If it's over that amount, then it needs approval.

County Manager, procures architecture and engineering services:

For architecture and engineering services we don't utilize sole source solicitations. That is done for goods and services procurements. Architecture and engineering services are a different animal than everything else.

County Manager, procures goods and services:

Sole source means that only one vendor can provide the good or service. A form is required by ISD where we have to justify the sole-source, and the department director has to sign it. I don't know if there are threshold limitations.



III. GENERAL PROCUREMENT ADMINISTRATIVE PRACTICES

A. Adjusted Bid Evaluation

Implementing Order 3-39 permits an evaluation process called an “adjusted bid,” where a rating system is used to evaluate proposals by assigning point values. A set of criteria are scored on a scale of 0 to 100 points and the consultant’s price is divided by that score to calculate an “adjusted bid.”

County Manager, procures architecture and engineering services:

We use the adjusted bid evaluation method with design-build projects on our architecture and engineering procurements. If the project is straight design work, we will use the traditional procurement method where the selection is just based on qualifications. If the design-build solicitation involves a construction component, we look primarily at qualifications and then secondarily at price. The way it works is once all the qualitative points are inputted for each of the interested parties who have responded to the solicitation, we divide the qualitative points by the price which yields the adjusted bid. The lowest bid then wins the highest ranking.

County Manager, procures construction, architecture and engineering, professional services, and goods and other services:

Basically when someone submits a bid, that bid is actually adjusted based on a set of evaluation criteria which is weighed. We have primarily three methods that we use to evaluate the proposal. One, we refer to as invitation to bid which are basically based on price. So whoever submits the lowest price and meets our requirements, that vendor will be awarded the contract. The second process that we use is based on qualifications only. You are either in or you are out based on pass/fail criteria. The contract is subsequently awarded based on low price. The third method is a Request for Proposal-type process. In other words, the evaluation criteria are set, but it is subjective and not objective, as in 30 pass/fail criteria. It is based on who best meets our requirements. The scoring criteria are weighted, but we don’t reduce price or points, we simply give points based on certain subjective criteria by a selection committee, and that’s how that’s done.



County Manager, procures architecture and engineering services:

Our procurement processes—whether it's a design-build or a traditional architecture and engineering project—are evaluated by a very competitive selection committee, which is comprised of individuals who have some background or expertise in the subject matter. Typically, there are two members from the user department which is soliciting the services and three other individuals who are appointed by the mayor through the Regulatory and Economic Department. They look at the proposals and evaluate them based on qualifications. Then there is a formula used for the adjusted bid process for design build projects.

B. Equitable Distribution Program

The Equitable Distribution Program (EPD) was authorized under Administrative Order 3-39, ordered June 17, 2003 and established effective June 23, 2003. The program is designed to distribute technical construction projects equitably through a centralized rotational system.

EDP firms include architecture and engineering companies that possess a County Pre-Qualification Certificate. A company is placed on the list based on technical certification and prior contracting opportunities with the County. The program applies to architecture and engineering projects with an estimated cost of two \$2 million or less, and/or study activities valued at less than \$200,000. The thresholds are set forth in Florida State Statute 287.055.

The Miami-Dade County Internal Services Department (ISD), in consultation with the Civil Rights and Labor Relations Department, is charged with the responsibility of implementing the procedures for the Equitable Distribution Program.

Firms must meet the following criteria to participate in the Equitable Distribution Program:

- Must be in business for a minimum of one year and may be required to have a place of business in the County
- A business owner can only own or control one firm including affiliates in the EDP
- Individual design professionals can qualify one firm pursuant to the respective Licensing Governing Boards of the State of Florida
- An EDP firm must submit utilization reports to the user Department on all new and existing County contracts, including new work authorizations issued after the effective date of the EDP continuing contract



- An EDP firm must verify through an affidavit three years' past history of dollars awarded and paid for by the County as a prime or subconsultant
- An EDP firm must submit an executed EDP agreement and submit the required documents and insurance certificates within ten days, or lose its position in the EDP listing for a period of 180 days

Once a firm is admitted into the EDP it is ranked according to its qualified technical certification category in each of the categories for which the firm is technically certified. The firm's initial placement on the EDP list pursuant to its qualified technical certification category is based on the firm's prior years' net compensation or potential compensation for professional services rendered on County projects. Firms participate in the EDP for the specified term stipulated in their contracts.

County Manager, procures architecture and engineering services:

We have architects and engineers in our department who need to find a company to do a job that we ourselves won't be able to perform based on work volume. They contact [staff name withheld] and fill out the forms. From what I understand, the names are placed on a rotation list for a particular area. For example, if we need a structural engineer, we will receive three structural engineer names. Our people will then interview them to determine if (1) they are familiar with the type of work we need, and (2) they are available to do the work within a week or two.

County Manager, procures construction and goods and other services:

EDP is basically for architectural and engineering or design services at \$2 million or less. I believe firms are selected on a rotating basis. They contact each of those firms. They can contact them by phone and take notes of the conversation, and prepare a series of questions to ask them, or they might ask them to prepare some sort of proposal and then, based on the proposal, make their selection which is not only based on cost. They also take into consideration the qualifications and experience of that firm, and they select the firm that they think can provide the service. Of course, they have to justify how they made that selection.



C. Prequalification Requirements

The County requires a prequalification certification which includes a technical certification, affirmative action plan verification, vendor registration, and supplemental forms. Every prime consultant or subconsultant for professional and architecture and

engineering services is required to hold a prequalification certificate at the time of proposal submission, and to remain current throughout the contract term.

To practice architecture in the County, an individual must possess a current certificate of registration under Chapter 481 of Florida Statutes. For landscape architecture, an individual must possess a current certificate as a registered engineer under Chapter 471 of Florida Statutes. A request for qualifications may be used to solicit services for goods and other services.

A Selection Committee is appointed by the County Manager to evaluate the qualifications and performance of the firms requesting consideration for specific projects. Consultants interested in providing professional services for the County must have an active Prequalification Certification, issued by the County prior to the submittal deadline of any solicitation. Requests for qualifications may be used for the selection of a contractor for goods and services procurements valued over more than \$250,000. To participate in the County's Miscellaneous Construction Contracts program (MCC), a contractor must be prequalified.

County Manager, procures construction services

The Miscellaneous Construction Contracts is a program where the vendors are all prequalified. So if we need a plumber, they give us the list of 50 names and we send a bid out to the plumbers. They will answer yes or no and submit a bid. We don't physically do the prequalifying. If someone did the initial work within two or three years, I think there might be some sort of process to get them back without pre-qualifying them if there was a problem with their work. However, we don't have to offer it to everyone if now there's a problem and we want to go back to the person who designed it.

County Manager, procures construction services

We work with the MCC where each solicitation can go up to \$5 million. There are two plans under the program. One is called MCC 7040, which is 100 percent the Community Small Business Enterprise program. For companies to be a part of the MCC 7040, they have to go to the Small Business Development Office and apply for a CSB certification. Once they obtain the certification they come to our office and register for the MCC 7040 plan. Once they are part of the MCC 7040, participants go through a blind rotation process and are invited to bid. Only those small companies can submit bids for that specific project. I click a button and the system picks the companies that will be invited to bid. There is a mathematical formula that is used to select the contractors, which is why it's considered a blind rotation. I don't see the contractors' names until the bidders' list is created.



The second plan is called MCC 7360. It is open market, so any company in the nation, as a matter of fact—even outside the US—can bid on these projects. The main reason we have both plans is because of the funding source. If the money is funded by Miami-Dade County, then it falls under the 7040 plan. If the funding source is from grants, or federal or state funds, we don't have the availability of CSBE to perform that scope of work. That work is advertised in the newspaper, and anybody that meets the minimum requirements can submit a bid.

County Manager, procures architecture and engineering services:

Prequalification for us deals with three components. Anyone who wants to do architecture and engineering work in Miami-Dade County needs to have the three components in place prior to submitting a proposal: technical certifications, an affirmative action plan, and an active status with the County with a current vendor registration. Those three components together are considered our prequalification requirements. In order to submit a proposal in response to architecture and engineering solicitations, proposers need to be prequalified at the time proposal submittal, as well as any of their subconsultants who will be rendering any services. The only exception to the prequalification requirements is a specialty subconsultant who provides a service for which we don't have a technical category. Then, in that instance, if there is no technical category in place for the County, it will be impossible for that firm to be prequalified for that service.

County Manager, procures goods and other services:

We have bids that are only for prequalified bidders. The majority of our bids are for prequalified bidders. We list on the contract the types of requirements that the vendors need to sell certain tools, such as a letter from the manufacturer stating that they are authorized to sell us those tools. This is required for any commodity. Let's say we are buying HVAC services. The bidder must meet the licensing requirements and the experience and other criteria to be a part of the prequalification pool. Then the registered vendors are added to the pool. When a need comes from the user department, those qualified bidders are invited to participate. Whatever requirements are part of the bid there are no exceptions from it in order for a bidder to be part of that pool.



County Manager, procures goods and other services:

The determination as to whether we would go with a prequalified firm is based on several factors. One could be that the commodity or service that we are seeking is unknown or indefinable at the time. Or if we know that we had purchased a piece of equipment three or four years ago, and from time to time that equipment is going to fail, we need someone who is qualified to repair it to be on hand and available. We would prequalify companies in the event that we need those services. Then we would go to those companies that are prequalified to get a quote for that specific job opportunity. The other factor where we may require pre-qualifications is in terms of a commodity being volatile as relating to price. It is in our best interest to get an offer for a fixed price for a long period of time, so we'll go out and get periodic pricing with prequalified vendors in those instances.

County Manager, procures construction services:

It's a long process. Once it gets to the point where there is a selection committee, they will say I need the names of two people from your department. They will select the other three people. The committee will have the pre-bid meeting. When all the bids come in they make sure to make copies for all people in the committee and give them a date to have them reviewed and scored. Then, I think they can have oral presentations and there is more scoring.

County Manager, procures construction services:

We have site visits. The pre-bid meeting is mandatory, so if you don't come to the pre-bid meeting you are not eligible to submit a bid. Then on the site visit, we might make it mandatory or we might make it recommended. If it's mandatory, they must be there and they all have to sign in to make sure that we know that they were there. At the site visit we give them the opportunity to ask questions. Once they leave that site visit we go back under the Cone of Silence, meaning any questions they have must be submitted in writing with a copy to the clerk of the Board. We respond to whoever asked the question that was at the pre-bid meeting. The bid is reviewed to make sure that the lowest bidder meets all the qualifications, based on the bid that is to be awarded.



D. Advertising Requirements

Goods and services procurements valued over \$250,000 must be advertised. Architecture and engineering services with construction costs valued at \$2,000,000 or more, and professional services valued at \$200,000 or more, must be advertised. Construction services contracts valued at \$500,000 or less may be advertised by the County Manager. Formal bids for goods and other services valued under \$250,000 do not have to be advertised. Advertised solicitations include any applicable SBE goals.

The user department submits a Request to Advertise to the Office of Management and Budget for construction services valued at more than \$500,000 to certify funding availability, and to the Small Business Development Office to establish project measures or SBE goals.

County Manager, procures goods and services:

We send email blast automatically to businesses that match the commodity code. The only time the solicitation is sheltered is when we are soliciting quotes from a pool of prequalified vendors.

County Manager procures goods and services:

We advertise on our website. When vendors register with the County, they enter their commodity codes and receive notifications about opportunities.

County Manager, procures design construction services:

We advertise capital budget projects. If we have \$10 million to build a library, the capital budget is a forecast on what work will be done.

County Manager, procures construction services:

We are invited to go to seminars and talk about MCC projects. Sometimes contractors will call me and ask for more information about the MCC process and how selections are done. They can schedule a meeting with me in my office, and I explain the process to them.



County Manager, procures goods and services:

We have a system that's called "future solicitations." We send email blasts of draft solicitations to vendors so they can give us their input, such as "this will work" or "that won't work" or "consider this." Vendors are required to register with the County in order to receive bid information. If they are not registered, there is no way for our system to know to email-blast them. The only time we find those extra vendors is when we do market research.

E. Unbundling Contracts

The County does not have formal procedures for unbundling larger projects into smaller contracts.

County Manager, procures goods and other services:

No, we do not have a standard for dividing large projects into smaller contracts.

County Manager, procures construction services:

I don't think there is any written standard for unbundling contracts. Sometimes we do the reverse; if we have four or five small fence jobs, we try to put them out as one project since no one would answer for little jobs. As far as dividing big jobs, that is not the norm.

County Manager, procures construction services:

For MCC projects, if there is a drainage scope of work that's going to cost \$10 million, we would not be involved if they break down the project into \$500,000 packages. I cannot tell you if the packages are being broken down or not. We always try if feasible, to break up packages because we want to provide more contracting opportunities for the Community Small Business community.

County Manager, procures architecture and engineering services:

I would imagine the user department determines if the scope will be separated. I would not know.



County Manager, procures construction and goods and other services:

Unbundling is a concern that we have often talked about. For example, the two areas that are the heaviest now with SBEs, particularly with our black firms, are landscaping and janitorial services. Those are the two areas that are fortunate enough to have a couple of contracting officers that are conscientious and sensitive to unbundling. It is still sometimes limited in terms of how these projects can be broken down. The janitorial contracts can be put in a pool, and I think we call it the master janitorial pool. Facilities that are less than 5000 ft. automatically go to SBEs because we have a lot of SBEs in the janitorial commodity area. I think the janitorial contracts are pretty good in terms of how they are being broken up. Landscaping is very challenging because of the logistics and the management of the contracts.

County Manager, procures goods and other services:

Our department does not have a standard for the dividing large projects into multiple smaller projects.

F. Debriefing Process for Unsuccessful Bidders/Consultants

The County does not have formal procedures to debrief unsuccessful bidders or proposers.

County Manager, procures construction services:

No, we do not have a good debriefing process. We don't have anything formal, but if anyone calls, we could explain it.

County Manager, procures architecture and engineering services:

We do not have a debriefing process. I have had multiple consultants throughout my career ask us for one. We basically tell them to speak to the committee after the project is awarded.

County Manager, procures construction services:

We do have a unit that where we always talk to contractors and let them know it is imperative that if they do not receive an award to find out why not. They can find out what they missed or if they submitted the wrong documentation, or if their prices were too high.



Because this is public information after the bids are finalized, we recommend they go and check out why they were not being awarded.

County Manager, procures construction and goods and other services:

Now if by debriefing you mean, bring in contractors and talk to them as to why they were not awarded, then, no, that doesn't happen. But in our bid process there are written communications that happens if a bidder was determined non-responsive. It's for something that they failed to demonstrate on the face of the bid. If they failed to sign something, then the written determination of that non-responsiveness is provided to them.

County Managers, procures construction and goods and other services:

We don't have a formal process, but a lot of times if we have a pool of vendors that haven't met the criteria for recommendation of awarding, we bring them in for a face-to-face meeting. We publically advertise that meeting and we sit with them and explain to them what they were missing.

County Manager, procures construction services:

No, we do not have a debriefing process for unsuccessful bidders.

G. Waive or Reduce Insurance Requirements

The County does not have formal procedures for waiving or reducing insurance requirements. Contractors are required to provide a copy of their certificate of insurance to participate in the County's Miscellaneous Construction Contracts Program. The Certificate of Insurance must include worker's compensation, public liability, and automobile liability.

County Manager, procures construction services:

We work closely with the insurance section of ISD if there are any issues, but we don't set any kind of rules. We may help the contractor explain that even though the project is large they're only doing a portion, so they don't need the insurance to match the large amount. So, they will work with the vendor. As the project manager will try to help, and if we can't, we try to figure out how they can make it.



County Manager, procures construction services:

Our minimal requirement for insurance to be a part of the MCC projects is \$300,000 for general liability and automobile liability and whatever else is established by Florida statutes in regards to workers' compensation. Once the departments create a scope of work, they are encouraged—as a matter of fact, they should be mandated, but they are not—to contact risk management and say “Listen, that’s my scope of work, and this is what I am going to be doing.” Risk management may look at it and say no, \$300,000 doesn’t cut it, ask for \$3 million dollars.

County Manager, procures professional services:

No there are no reductions. What we use is our standard insurance requirements. They are established by the Risk Management Division and appropriately so. Now, we do have conversations with them when we think some of the recommendations might not be in line with the project, and the director is reasonable.

County Manager, procures construction and professional services:

We request insurance certificates from the vendor who has been recommended for award. We clear those certificates with risk management.

County Manager, procures construction services:

Nope, not at all do we reduce the insurance requirements. If the contract is in place, it already specified the insurance requirements for the construction projects.

County Manager, procures construction services:

The insurance requirements are set already by risk management. There may be certain projects which they call “special,” but they have to review it to see what the bid is all about and then they may tailor the particular insurance for the particular contract. By “special”, they mostly mean construction contracts.



H. Waiving Bonding Requirements

The County requires a payment and performance bond on all construction contracts valued over \$200,000. At the discretion of the departments, bonds may be required on contracts under \$200,000. Pursuant to County Resolution No. 1386-09, authored by Commissioner Barbara J. Jordan, CSBE subcontractors are not required to submit a payment and performance bond on subcontracts valued at \$200,000 and less. Additionally, Commissioner Barbara J. Jordan and Commissioner Audrey M. Edmonson co-sponsored County Resolution No. 593-13, which waived payment and performance bonds for prime CSBEs on contracts valued at \$200,000 and less.

County Manager, procures goods and other services:

We don't have a lot of contracts where bonding is required. Most of the bonding is required under construction contracts. For commercial and industrial goods, they will have some bonding requirements, but it depends on whether the labor portion of the job exceeds \$250,000. If so, then a bond will be required.

County Manager, procures construction services:

We don't reduce bonding requirements. We require performance bonds or payment bonds. We use those for construction projects and, depending on the monetary value of the project, we are required to request performance bonds.

County Manager, procures construction and goods and other services:

Anything over \$100,000 needs to have a performance bond. The performance bond may be waived by the director. It can be waived, but we don't know the details as to why it was waived. To be honest, there are not that many requirements that are waived. Sometimes, smaller companies try to participate on the larger contracts, and they have a very difficult time trying to get a bond from the bonding agencies. If they can't get the bond, in some instances the department may waive the bond to give these companies an opportunity.



I. Retainage Requirements

The County requires a retainage of ten percent for construction contracts and five percent for design contracts.

County Manager, procures construction services:

Ten percent is the industry practice. This is in our contract; however, this is handled by the departments. The procedure is that the project must be at 50 percent completion and they release five percent, and upon completion they release the remaining five percent. I don't know what percentage the prime contractors withhold from the subcontractors.

County Manager, procures goods and other services:

We do withhold retainage on our contracts, but it depends on what the contract amount is and what is the best way to ensure that the County has mitigated its exposure as we move forward. Just to give an example, if I was making a major acquisition for equipment and/or services it wouldn't be reasonable in some instances to withhold 100 percent of the payment until the end of the project. We don't want to pay out 80 percent or 90 percent of the contract value and the guy walks away and doesn't complete the work, or can't complete the work successfully.

County Manager, procures construction and architecture and engineering services:

There is a retainage requirement of ten percent on construction contracts and five percent on design contracts. Usually when we get to 50 percent completion, we start releasing retainage if the project manager is in concurrence that the project looks like it's going along okay. We don't really get involved with the subcontractor's retainage requirements with their prime contractors unless the subcontractors have a problem, then they can call us. And that's rare.



J. Prompt Payment

All firms, including small and micro businesses that provide goods or services to the County, should be paid within 30 days of receipt of the invoice pursuant to Section 2-8.1.1.1.1 of the Part III Code of Ordinances, Chapter 2 Administration, Article I Administrative Order 3-19.

County Manager, procures architecture and engineering and construction services:

Small businesses are supposed to be paid in 15 days and other businesses have to be paid within 30 days, so we try to do that. There are no exceptions, but invoices can get lost. Otherwise, we try to process everybody's invoice because we know everyone needs their money. We try to process the invoices as soon as we get them, as long as they are correct. If not, we have a rejection process where they get invoices stamped "rejected," and they are sent back; then the clock starts again. We call them too and tell him to come get the invoice, and explain to them what was done wrong. Sometimes they take out the retainage or the inspector general fee. We try to at least tell them as soon as possible so then we can process it. We have a rejection letter that we fax to them. First we call them to make sure that they get it right. The project managers are supposed to have what we call a pencil copy where the contractor comes in and says this is what we're going to charge you for these 50 doors, 50 windows, 50 yards of concrete, etc. When they come back and re-submit the official invoice, it should be correct. This speeds up the process, so we go through the pencil copy first.

County Manager, procures goods and other services:

We do have an ordinance that's called "prompt payment." Every community-based small business enterprise needs to be paid within 15 days from the submission of a valid and acceptable invoice. Sometimes they submit an invoice that is incomplete or has something wrong, and six months later we are still resolving it, but they say "I submitted it six months ago." Once we identify that the payment acquisition is 100 percent correct, then the days start counting and they have 15 days to be paid.

County Manager, procures construction and goods and other services:

Prompt payment is a part of the contract if you are small business, according to the State of Florida, and they should be paid within 30 or 45 days.



County Manager, procures goods and other services:

Yes, we have a prompt payment program. We don't do it often, but we do have a program in place. I think you shave off 15 or 20 days. It's not something that we do on an ongoing basis. On the signature page the vendor can indicate that if we pay them in 15 days, then they will reduce it by five or two percent. We will consider the offer.

County Manager, procures goods and other services:

The County has a policy where vendors can go online and check the status of the prime contractor payment.

K. Bid Protest Procedures

Unsuccessful bidders and proposers involved in any competitive procurement process may protest a recommendation for award for County contracts and purchases valued over \$25,000 as described in Implementing Order 3-21. The protestor is required to file a non-refundable filing fee to initiate their bid protest.

Contract Award Amount	Protest Filing Fee
\$25,000 to \$250,000	\$500
\$250,001 to \$500,000	\$1,000
\$500,001 to \$5 million	\$3,000
Over \$5 million	\$5,000

The bid protest must be submitted to the Clerk of the Board. The protest must include the specific facts and basis for the protest, relevant evidence and the filing fee. For contracts or purchases valued over \$250,000, the protester must file an intent to protest a "formal" bid with the Clerk of the Board. It must also be mailed to each bidder or proposer in the competitive process, and to the County Attorney, within three workdays of the filing of the award recommendation with the Clerk of the Board. A hearing is conducted by a hearing examiner within ten workdays. The hearing examiner must be paid a fee of \$200 per hour, not to exceed \$2,500.00 per hearing. Written findings and recommendations will be filed within five workdays of the hearing with the Clerk of the Board. The findings will also be submitted to all participants in the competitive process and to the County Attorney.

For contracts or purchases valued between \$25,000 and \$250,000, the protester must file an intent to protest a "formal" bid with the Clerk of the Board within three workdays of the filing of the award recommendation with the Clerk of the Board. It must also be mailed to each bidder or proposer in the competitive process, and to the County Attorney, within three workdays of the filing of the award recommendation with the Clerk of the Board. The department Director will submit a recommendation after reviewing the written recommendation for award and the written protest in consultation with the County



Attorney. The department Director's recommendation is forwarded to the County Manager for a final decision. The protest may be settled by mutual agreement within five business days of filing the protest. All awards for contracts and purchases valued at \$25,000 or less are considered final and not subject to bid protest procedures.

County Manager, procures goods and other services:

I am not aware of any bid or proposal protest procedures.

County Manager, procures goods and services and construction:

I know if someone is not happy, they have X number of days to send in a protest. They have to follow some sort of process. That's the only part I know.

County Manager, procures architecture and engineering services:

There is no protest procedure for traditional architecture and engineering procurements. We do have a process in place where firms can write a letter to the mayor if they feel that something unfair happened that merits investigating. They can send that letter directly to the mayor. The mayor typically will ask us to respond to the letter, and we'll provide the justification and selection. Typically, the award is put on hold until the matter is resolved, but there is no official protest process.

County Manager, procures construction services:

Once you submit a bid and they identify who is the lowest bidder, a tally will be created and disseminated. If someone thinks something was improper or they are not happy with the results, they have a right to file a bid protest if the RPQ is above \$250,000.

County Manager, procures construction and goods and other services:

If the solicitation is under \$250,000, an informal process, we list the award on our website. If it is over \$250,000, we send an email with the stamp from the clerk and they have three days to file their intent to protest with the appropriate fees. Our fee schedule is listed in our terms and conditions. It depends on how much the contract is in reference to how much they are going to be charged.

County Manager, procures goods and other services:

If a company wants to protest after the recommendation to award was made, they have three days to file an intent to protest. Along



with that filing, they have to pay a filing fee based on a fee schedule. Then they have an additional three days to submit their actual protest.

County Manager, procures construction services:

The vendor has a window of three days after the recommendation has been made to submit a protest on the particular bid. Depending on the threshold of the bid, there may be a bond or certain fee to the clerk in order to submit the protest. I believe the department director is the one that makes the final decision on the bid protest; if not, it goes to an arbitrator and they decide if it is awarded or not. Usually, if they lose they also lose the bond. But most of the time, they usually return it to the vendors.

L. Disputed Fees

Pursuant to Section 2-8.1.1.1.1 of the Part III Code of Ordinances, Chapter 2 Administration, Article I provides that the County or prime contractor that has a contractual relationship with a SBE or micro enterprise with a SBE goal must notify the SBE/Micro Enterprise and SBD, in writing, of those amounts billed by the SBE/Micro Enterprise which are in dispute. The specific reasons why they are in dispute must be presented within fourteen (14) calendar days of submittal of such billing, or by the next scheduled billing, whichever comes first. An SBE/Micro Enterprise may invoice the County or prime vendor, as appropriate, one percent interest per month for any undisputed amount that is not promptly paid.

County Manager, procures construction and architecture and engineering services:

A vendor can submit the part of the invoice that is undisputed; then they can work on the other parts. We give them the option to do that. We will not just reject it if the work is wrong. Now, if they say, "I put in red brick and you wanted white brick and no one told me. Do I have to take down the whole wall or can I just paint it?" We try not to hold up the whole invoice for one line item, if possible.



IV. BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

A. Community Small Business Program

The County's Community Small Business Enterprise Program (CSBE) is limited to independent construction companies pursuant to Implementing Order 3-22. The CSBE must be licensed, for-profit businesses with a physical location in the County.

County departments are required to review anticipated contracts possible (1) contract set-asides, (2) trade set-asides, and (3) aggregate set-asides or subcontractor goals. If purchases are made through the DPM, that department is not subject to the review. The review should not occur until approximately 75 percent of the contract documents, plans, and specifications are completed. County departments must work in consultation with the SBD to determine applicable set-asides or goals. The following guidelines must be followed when determining the appropriate set-aside or goal:

1. Contract Set-Asides should be implemented when:
 - The estimated project cost is valued at \$10,000,000 or less
 - The quality, quantity and type of opportunities provided by the contract are feasible
 - At least three CSBEs are available prior to the bid advertisement that provide the quality, quantity and type of opportunities needed for the anticipated contract; and
 - The contract is categorized into one of the three Contracting Participation Levels based on the estimated project cost
2. Subcontractor goals should be implemented when:
 - The contract scope of services includes identifiable opportunities that are appropriate for subcontracting in a specialty trade area within Standard Industrialized Code (SIC) 17
 - The quality, quantity and types of opportunities are feasible subcontractor goals and
 - At least three CSBEs are available for the applicable specialty trade area within SIC 17 are available
3. Trade Set-Asides should be implemented when:
 - The work order contains identifiable opportunities for Trade 2
 - The quality, quantity and types of opportunities provided are feasible for establishing a Trade Set-aside; and
 - At least three CSBEs are available within SIC 17



4. Aggregate Set-Asides should be implemented when:

- The contract includes different work orders
- The contract contains a specified duration of time
- The contract pertains to a prequalification pool of trade construction firms
- At least three CSBEs are available prior to bid advertisement able to provide the quality, quantity and type of opportunities provided in the proposed contract and
- The contract can be categorized by more than one of the three Contracting Participation Levels

County Manager, procures construction services:

We interact with the RFR Department. For the MCC 7040 projects, the contractors must first get their CSB certification. We run the software that is linked to the SDB database to make sure that everybody that was certified as CSB is current, or to identify any new company that is now certified. All of the 7040 contracts are 100 percent set-aside. The MCC 7360 projects may have a CSB goal.

County Manager, procures construction contracts:

They will review the scope and, if there is an availability of SBEs, they will assign some type of measures.

County Manager, procures construction services:

There is now legislation that requires 100 percent set-aside for micro-businesses if the purchases are \$100,000 dollars or less. Of course, this is only if these businesses are available. The legislation was passed just over a year ago.

County Manager, procures professional services and construction services:

As part of the formal solicitation process we send the scope of services to the SBD to determine if there are goals to be put on the contract. It is my understanding that when a new contract for professional services is established it has to go to SBD. It is the same process for construction projects—the 7040 MCC program for construction is a set aside just for small businesses. So we work with the SBD Office whenever we get ready to solicit for new 7040 MCC construction projects.



B. Small Business Program

The Small Business Program authorized under Implementing Order 3-41,³²⁷ applies to the purchase of goods and contractual services, including professional services other than architectural or engineering services. There is a County policy that a minimum of ten percent of the total value of contracts valued at \$50,000 and under be awarded to micro-enterprises. A bid preference of ten percent is automatically applied to bids or quotes submitted by micro-enterprises. Contracts valued at \$50,000 and greater should be reviewed for SBE measures, including set-asides and goals.

County Manager, procures goods and other services:

We deal with the [ISD] Department often. When we are ready to prepare an RFP they will review what we are putting out and bless it before we move forward. We try to be inclusive of the entire community. I'm not aware if there is a particular initiative or goal that we should follow.

County Manager, procures goods and other services:

We do follow the small business enterprise requirements, if they have a certain percentage requirement or goal. And then we determine if those businesses qualify for the services or not based on the fact that they are a small business.

County Manager, procures goods and other services:

The Small Business Development Office reviews all of our bids before they are advertised for applicable goals. We have different procedures that we follow. Any contract that is under \$100,000, we contact at least four vendors that are small businesses. Anything over \$100,000 is still reviewed to make sure SBEs can meet the needs. A lot of contracts are set aside. SBEs just have to prove that they can meet the criteria.



³²⁷ The Small Business Program was modified on DATE and requires the County to expend 100 percent of goods and services contracts valued less than \$100,000 with SBEs, unless there is no SBE with the required capacity or only non-SBEs can be perform the contract.

V. OUTREACH PRACTICES

The County offers free vendor workshops. Some of the workshops offered include *How to Prepare an Invitation to Bid*, *How to Prepare a RFP/RGQ Proposal*, and *How to Prepare an Architecture and Engineering Proposal*.

County Manager, procures construction services:

We attend fairs for small businesses to raise awareness and to learn why some firms don't certify with Miami-Dade County. We have been invited to explain the process or the MCC contracts. In the last 12 months, we participated in four events. I usually attend for my department.

County Manager, procures construction services:

Once we advertise the project it goes under the Cone of Silence and we are not allowed to discuss it with anyone verbally. We advertise in the Daily Business Review.

County Manager, procures architecture and engineering:

We have an architecture and engineering proposal workshop that occurs quarterly on the fourth Tuesday of the month. We sit with the firms that show up and walk them through the process from the time the user picks up the phone to contact us that they have a need to the award of the contract. Just recently we attended a session with the NIGP for design-build projects. It was a very good three-day session. A lot of staff attended that training session. There are a lot of training sessions that are offered through the NIGP which are available to us. When we are interested, we attend.

County Manager, procures architecture and engineering services and professional services:

Our solicitations are posted on multiple websites. Anyone who interested in doing business with us must go to our website and download the solicitation from our system. When an addendum is issued, the system will send out a notification to all who downloaded the solicitation. If they get the solicitation from another source, they have to monitor the website every day. So more than likely they will end up missing something. Also, when we advertise a solicitation we put it in the Daily Business Review.



County Manager, procures goods and other services:

We participate in events in Broward County where the Southeast Conference of the National Institute of Government Purchasing is held. Most recently, the Miami-Dade County chapter has engaged in what we call “reverse trade” shows. A reverse trade show is where the entities are at the booths and the vendors come in and talk to us as opposed to us going to see vendors. I think trade shows are good, but our vendor outreach activities are more successful. We attend a minimum of four events annually, this year we have done more. The events are throughout the county in different geographical areas so that they are accessible to the vendors. We send emails to everybody in our database, which includes 16,000 to 17,000 vendors. It is always at a place that’s easily accessible to the public. We address any questions, and we get to hear some of their concerns. I think that these events are more meaningful, at least to me, than the trade shows. The trade shows are good because you have an opportunity to meet new suppliers and every now and then somebody will tell me about a problem they are having with a particular department.

County Manager, procures construction services:

We attended what we call a reverse tradeshow earlier this year with the National Institute of Government Purchasing. They have a local chapter, and every year they have a reverse tradeshow. We participated for the past two years. We usually have a table with our contracting information. We have brochures, fact cards, and booklets that provide information on the services that we seek.

County Manager, procures goods and other services:

We attended an international trade show that was hosted by the mayor. It was in Miami Beach. People from South America came to Miami to learn how they could do business with the United States. We spoke about how we do business or how they could do business with the County. They would have to go through the same registration process.

County Manager, procures construction services:

It’s my understanding that when there is a new project being solicited they put it on the website. Potential vendors can give their feedback, or even express their concern about the requirements. I



don't think there is any contract that we don't have to advertise. They all have to be advertised.

County Manager, procures goods and other services:

We do workshops about how to prepare an RFP. We explain how to complete a vendor registration or how to complete a bid. We try to make them aware by truly reading the bids. Many people don't read the entire bid.

VI. DATA MANAGEMNET STRATEGIES

The County has two major data management systems to track prime contract awards, payments, and modifications. The first system, Budgeting Analysis Tool (BAT), allows the County departments to forecast, prepare, monitor, and report on departmental budgets for goods, architecture and engineering, and professional services procurements. The Capital Improvements Information System tracks for construction projects.³²⁸

A. Centralized Contractor List

County Manager, procures construction services:

We have a centralized list for MCC projects. It only contains the contractors who are registered for the MCC 7340 or MCC 7360 projects. Only those who are registered to participate under MCC projects are sent bids. The MCC 7040 lists are maintained by us and are based on a few things. Every day in the morning I run software that links to the SBD database to makes sure that the contractors that I have in my database remain CSB certified. Also, I update our system for any changes to addresses, licenses, or phone numbers that the vendors submit in writing.



³²⁸ Miami-Dade County Ordinance 11-90 Section 2-8.1. modified the reporting requirements for businesses contracting directly with the County or as a subconsultant/subcontractor. Contracts valued at \$100,000 or greater require contractor to report the race, gender, and ethnic origin of the business owners and employees. This provision is a condition of award on competitive bids and required prior to final payment.

County Manager, procures architecture and engineering services:

The technical certification report provides information on what firms are technically certified for particular categories. So when a user department comes to us with a scope and it has devised its list of technical categories, we check to make sure there is availability. The list does not include the ethnicity or gender of the owner. We have committee meetings to recertify firms and to add categories on a bimonthly basis. The report is updated after every meeting to make sure that it is kept current.

County Manager, procures goods and other services:

We have a vendor registration database. We started vendor enrollment in 2008 because the registration process was so laborious. It has been streamlined down somewhat because we didn't want vendors to have to go through that process just to receive notifications of a bid or to give us a bid. So it is a very simple enrollment process where they just give us some basic data for them to get notified but not ethnicity or gender.

County Manager, procures goods and other services:

We have a vendor registration. We have a total of almost 700,000 commodities in the database. The database includes the business owners' ethnicities and genders.

B. Monitoring of Subcontractors Payments and Awards

County contractors are required to report the gender and ethnicity of the owners and employees of first-tier subcontractors for contracts valued at \$100,000 and above, pursuant to Sections 2-8.1 2-8.8, and 10.34 of the County Code. This information is tracked on the Subcontractor/Supplier Listing form.³²⁹

County Manager, procures goods and other services:

I am not aware of any requirements for prime contractors to list their subcontractors on their bids.

³²⁹ Miami-Dade County Ordinance 11-90 Section 2-8.1. modified the reporting requirements for businesses contracting directly with the County or as a subconsultant/subcontractor. Contracts valued at \$100,000 or greater require contractor to report the race, gender, and ethnic origin of the business owners and employees. This provision is a condition of award on competitive bids and required prior to final payment.



County Manager, procures construction services:

We deal only with the prime contractors, and once we establish the scope of work, next we identify the subcontractors, including electrical, plumbing, etc. However, we don't specify which ones the prime contractors (who determine which subcontractor they will select to perform with them) have chosen. Keep in mind, they can pick whomever they want as long as they are licensed and insured. Prime contractors have to complete a SOI, also known as schedule of intent form. They have to list their names as prime contractors, and the percentage of the work they are going to perform and the percentage their subcontractors will do.

County Manager, procure goods and other services:

Any time the award is over \$100,000, the prime has to list its subcontractors or suppliers.

County Manager, procures architecture and engineering services:

We have a two to three-page document called Letter of Qualification that goes with every solicitation. The prime consultant needs to input all its subconsultants and what area of work is being assigned to each. We check to make sure that those subconsultants are prequalified and technically certified in those areas. If we see that they're not, then they cannot render that service. However, if they have one team member who is certified for a certain category, and no one else on the team has a certification in that category, then the entire team is eliminated because now they're deficient on our requirements. But the form is very simple and straightforward.

C. Monitoring of Prime Contractor Awards and Payments

The BAT system allows the County departments to capture prime contractor awards and payments for goods, architecture and engineering, and professional services procurements. The Capital Improvements Information System tracks prime contract data for construction projects.



County Manager, procures construction services:

We monitor all prime contractor awards in the Capital Improvement Information System (CIIS) for the miscellaneous construction contracts.

County Manager, procures goods and services:

We track prime contract payments in our Advanced Purchasing and Inventory Control System (ADPICS) and the Bid Tracking System (BTS). It captures all the prime contract awards. Now I think it's being updated to include contract modifications. It is important to make the distinction that this only relates to goods and services. We don't track subcontract information. I must tell you that with goods and services, the subcontractor dynamic is minimal. It's just not very much work in terms of subcontracts.

County Manager, procures goods and other services:

No, we do not monitor subcontractor awards. You have to remember that subcontractors are the responsibility of the prime contractor. Whoever we award the contract to is responsible for the subcontractors, for whatever it is. We do want to know that there are subcontractors. We want to know that those subcontractors are to our satisfaction. They may be contractors who did some work for the County years ago, who did something wrong or owe us money. But it is the responsibility of the contractor to notify us if he changes subcontractors in the middle of the job. They are not required to submit subcontractor payment forms to show that they have been paid. It is the subcontractor's responsibility. Now, if the subcontractor is not getting paid, it can put a claim in to the County.

D. Modifications and Change Orders

For professional services projects, the user department is required to notify ISD and SBD in writing of any post-award changes of team composition, scope of services or costs. County department are required to provide change orders for construction services to SBD, who maintains a database of County construction awards and change orders. Construction change orders and modifications must not exceed \$500,000 in cumulative dollar amount, and not exceed 15 percent of the contract price in the cumulative percentage amount, unless related to environmental remediation or health requirements. The user department is required to draft a change order memorandum that must include:



- Original cost estimate for the construction project
- Copy of the original Bid Tabulation for all bids received for the contract
- Time impact to the contract deadline
- Cost impact to the contract value
- Classification of change order type including:
 - Regulatory Change resulting from revisions in federal, state or local regulations after contract award
 - Change order requested by other county, state or federal agency
 - Design errors by architect or engineer
 - Design omission change as a result of items necessary for the project that were inadvertently omitted from the contract
 - Revision in the County's programmatic requirements, operational requirements, or occupancy schedule after contract award
 - Unforeseeable changes such as differing sub-soil conditions, variation in location of hidden or underground utilities, discontinuance of manufacturer product
 - Unexpected or uncontrollable events
- Cost overruns or underruns
- Change order number
- Indication if the change order is final
- History of previous change order requests pertaining to the contract
- Verification that the change order is timely
- Status of the allowance account including the original amount and increases or decreases and the current balance

County Manager, procures construction services:

We do allow change orders on construction projects. The project manager, who is usually our engineer, basically puts in a request for a change order. The request has to be reviewed and signed by the awarded vendor agreeing to the amount of the change order. It has to be signed by the department director and, depending on the product, it may have to be signed by the deputy mayor in the mayor's office.

County Manager, procures construction contracts:

Once the issuing department identifies a need for a change order, it goes in the system and creates a form explaining the reason for the change order. A construction manager reviews it, and he will either approve or reject the change order. There are no monetary limits to change orders except for MCC projects, because they cannot go beyond \$5,000,000.



County Manager, procures goods and other services:

BTS captures any addendums where issued, how many vendors where blasted, how many vendors downloaded the bid, and how many vendors submitted bids. All this data is captured electronically.

VII. CONCLUSION

The County Managers that participated in this Report included staff with procurement responsibility from the following departments:

- Public Housing and Community Development
- Internal Services
- Parks, Recreation, and Open Spaces
- Public Works and Waste Management
- Water and Sewer

The interviewees were forthright and provided valuable insights into the County's procurement practices. The information provided spanned the formulation of the project scope of work, the pre-award process, contract management, and project close-out. The interviewees provided information on their personal understanding of the standards for procuring construction, architecture and engineering, professional services, and goods and other services contracts. The information described the procurement practices of the five departments. The information will be used when formulating the County's race and gender neutral procurement recommendations.

