

Forest Preserves of Cook County Disparity Study

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Disparity Study Legal Standards

- In 1989, US Supreme Court held race- and gender-conscious programs are subject to “strict scrutiny,” the highest level of judicial review
- M/WBE programs must meet two tests
 - Agency must prove it has a “compelling interest” based on “strong” statistical and anecdotal evidence of current discrimination or the effects of past discrimination in using race or gender in decision-making
 - Any remedies must be “narrowly tailored” to the evidence relied upon and regularly reviewed

Disparity Study Overview

- Objectives
 - Meet federal constitutional legal requirements
 - Provide new data for contract goal setting
 - Develop policy and program recommendations
- Quantitative Data Sources
 - Forest Preserves contract and vendor records
 - Contract information from prime vendors
 - M/W/DBE Directories
 - Hoovers/Dun & Bradstreet

Disparity Study Elements

- Executive Summary
- Contract Data Analysis
 - Utilization, Availability and Disparity Analysis of Forest Preserves prime contracts and subcontracts
- Recommendations
- Qualitative Evidence from Illinois Disparity Studies
- Legal Standards for Local Government Contracting Equity Programs

Disparity Study Findings

- Study analyzed FY 2016-2020 contracts
 - 124 prime contracts
 - 211 associated subcontracts
 - \$33,981,921 total value
- Geographic market
 - Six counties in the Chicago Metropolitan Statistical Area (Cook, DuPage, Kane, Lake, McHenry and Will)
- Product market
 - 62 six-digit North American Industry Classification System codes in the Final Contract Data File

Disparity Study Findings

- Program has been effective in increasing opportunities for M/WBEs
 - M/WBE utilization is above availability
- Utilization in the District's market
 - Black: 5.6%
 - Hispanic: 17.9%
 - Asian: 16.5%
 - Native Am.: 0.0%
 - MBE: 40.0%
 - White women: 10.9%
 - Non-M/WBE: 49.2%

Disparity Study Findings

- Availability in the District's market
 - Black: 4.5%
 - Hispanic: 6.0%
 - Asian: 2.4%
 - Native Am.: 0.1%
 - MBE: 13.0%
 - White women: 6.1%
 - Non-M/WBE: 80.9%

Disparity Study Findings

- Contract dollars received by M/WBEs are generally more concentrated across a smaller number of M/WBE firms and a smaller subset of codes than non-M/WBEs
- This suggests that although the Forest Preserves' M/WBE program has been quite successful in creating opportunities for minority and woman firms, these benefits have not been spread evenly across all groups or subindustries

Disparity Study Recommendations

- Use the Study to set the overall, annual aspirational MBE and WBE goals
- Continue to set narrowly tailored MBE and WBE contract goals
 - Use the B2Gnow goal setting module that has been designed specifically to integrate our study methodology and results
 - Develop written procedures spelling out the contract goal setting process
 - Consider bidding some contracts without goals to determine whether certified firms are solicited in the absence of goals

Disparity Study Recommendations

- Increase outreach to a broader range of relevant industries with MBE and WBE availability
 - MBE and WBE utilization is concentrated in fewer codes than non-M/WBEs
 - Target outreach to industries with low M/WBE participation
- Develop performance measures for success
- Continue to conduct regular program reviews



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