

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing a Small, Minority and Disadvantaged Business Inclusion Program to Implement the Recommendations from the Disparity Study

WHEREAS, the policy of the Ohio Turnpike and Infrastructure Commission (“Commission”) is to ensure that all businesses owned and controlled by minorities, females or otherwise disadvantaged individuals have the fullest possible opportunity to participate in its contracts; and

WHEREAS, in furtherance of its policy, the Commission adopted Resolution No. 18-2014 on March 24, 2014 authorizing the Executive Director to retain a consultant to conduct a study (“Disparity Study”) to determine whether any disparity exists between the availability of minority business enterprises (“MBEs”) or otherwise disadvantaged business enterprises (“DBEs”) to perform on its contracts and the Commission’s utilization of such businesses; and

WHEREAS, the Commission and the Ohio Department of Transportation (“ODOT”) jointly selected BBC Research & Consulting to perform studies on each entity’s contracting process, marketplace and selection results to determine whether a statistically significant disparity existed during the years 2010 through 2014 between the availability and utilization of MBEs and DBEs on their respective contracting opportunities; and

WHEREAS, in April 2016, BBC Research & Consulting reported to the Commission the results from the Disparity Study (“Report”), which details the Disparity Study’s findings and provides data, statistical analysis and anecdotal testimony constituting evidence that a disparity exists between the number of minority and female owned businesses that are ready, willing and able to perform the Commission’s contracts for construction, professional services and goods and support services and the number of such contractors actually participating in the Commission’s contracting opportunities; and

WHEREAS, Resolution No. 18-2014 further instructed the Executive Director to prepare a program that, to the fullest extent permitted by law, establishes goals for MBEs and DBEs to participate in the Commission’s contracts; and

WHEREAS, the Report presents recommendations to remedy the underutilization of MBEs and DBEs on the Commission’s contracts, which include improved monitoring of MBE and DBE participation, race and gender neutral measures to facilitate the participation of MBEs and DBEs on the Commission’s contracts, including establishing a Small Business Enterprise (“SBE”) program, and implementing narrowly tailored race and gender conscious remedial actions to address the inference of passive involvement in discriminatory conduct against minorities and female owned businesses if such neutral measures fail to eliminate the disparity between availability and utilization of MBEs and DBEs; and

WHEREAS, the Executive Director caused the creation of the Office of Equity and Inclusion in anticipation of the Disparity Study results, and which Office is prepared to administer a program resulting from the findings described in the Report; and

WHEREAS, the Executive Director recommends that the Commission authorize a Small, Minority and Disadvantaged Business Enterprise Inclusion Program to address the underrepresentation of small, minority and disadvantaged businesses participating in the Commission’s contracting opportunities through narrowly tailored means, including establishing a small business enterprise program and race- and gender-neutral measures to attain disadvantaged businesses as partners in fulfilling the needs of the Commission.

NOW THEREFORE, BE IT

RESOLVED, that the Ohio Turnpike and Infrastructure Commission has a compelling interest in ensuring there are equal opportunities for small, minority and otherwise disadvantaged businesses to participate in the Commission’s business transactions, preventing its contracting dollars from disparately affecting disadvantaged businesses, and eliminating the effects of discrimination on competition for its contracting opportunities; and

FURTHER RESOLVED, the Commission establishes a Small, Minority and Disadvantaged Business Enterprise Inclusion Program, described in the attached Exhibit A incorporated in this resolution as if fully rewritten herein, and authorizes the Executive Director to take all actions necessary, reasonable or prudent to implement the Program.

(Resolution No. 43-2016 adopted June 20, 2016)