

OFFICE OF PROCUREMENT EQUITY:

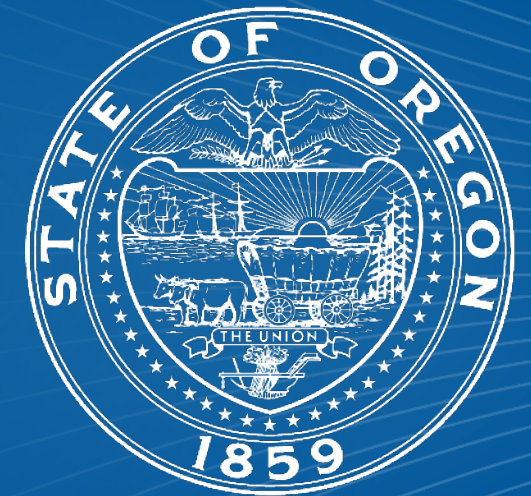


Diversity, Equity, Inclusion and Belonging (DEIB) in
Public Agency Contracting

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Topics

1. Background of OPE
2. Disparity Study findings
3. Equity in action



Background



A disparity study examines and measures potential inequities within a state's contracting activity.

- The Oregon Disparity Study budget was passed in [HB5006](#) at the end of the 2021 legislative session.
- The study was initiated in October 2022 with BBC Research & Consulting. The study was completed in November 2023.
- The Office of Procurement Equity was established in 2023 to implement recommendations of the disparity study, along with establishing strategies to improve supplier diversity for the state of Oregon.

Objectives



Assess

1. Disparities between participation and availability for businesses
2. Marketplace barriers

Recommend

Policy and program refinements

Determine

If race/gender programs are warranted

Legal Analysis



- The state needs a **strong legal foundation** to remedy any disparities that are found.
- Any remedies must be able to withstand **strict scrutiny** to avoid violating the Equal Protection Clause of the Fourteenth Amendment.



Example Cases:

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

Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995)

Results



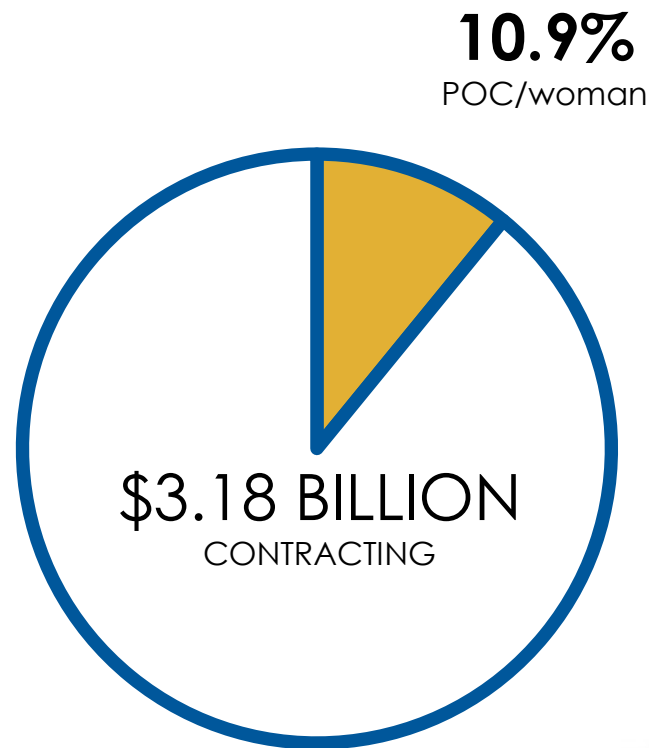
Relevant facts regarding the study



- The study examined contracts from July 1, 2017, to June 30, 2022
- Scope of contracts included:
 - Construction
 - Professional Services
 - Non-professional services, goods, and supplies
- Businesses included in the study:
 - Be a private sector business
 - Be in Oregon
 - Having bid on or performed specified work in the in the past five years
 - Relevant primary lines of work (work that the state of Oregon would contract)
 - Being able to perform work in Oregon
- Excluded were
 - Businesses that indicated they were not for-profit
 - Businesses that reported primary lines of work that were outside the study scope
 - Businesses that reported they were not interested in contracting opportunities government or other public sector organizations



Disparity Analysis - Participation



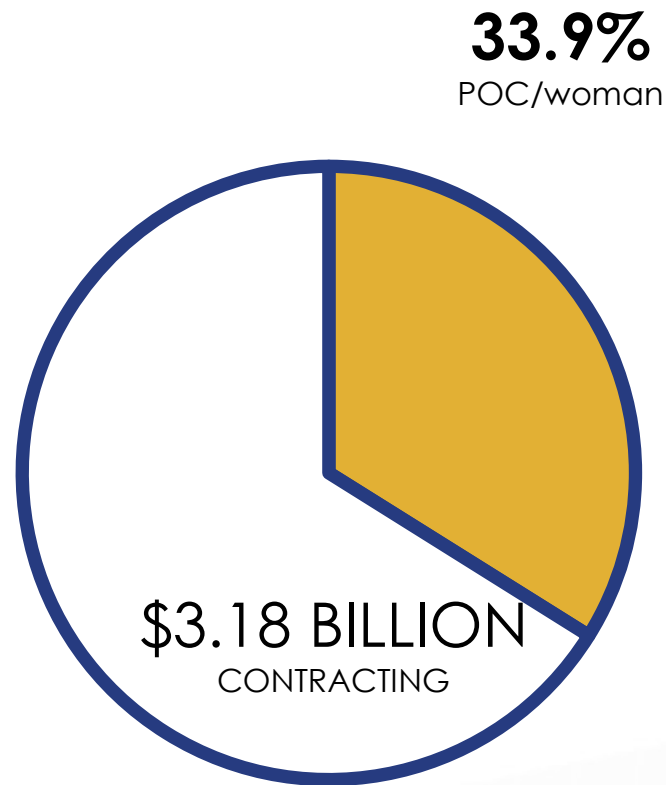
% participation

White woman	6.6%
Asian American	1.0%
Black American	0.1%
Hispanic American	2.0%
Native American	0.1%

TOTAL	10.9%
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Disparity Analysis - Availability



	% availability
White woman	18.6%
Asian American	8.3%
Black American	0.5%
Hispanic American	5.1%
Native American	1.5%
TOTAL	33.9%

Disparity Analysis - Calculation



$$\frac{\text{PARTICIPATION}}{\text{AVAILABILITY}} \times 100 = \text{DISPARITY INDEX}$$

80 OR LESS = **SUBSTANTIAL** UNDERUTILIZATION

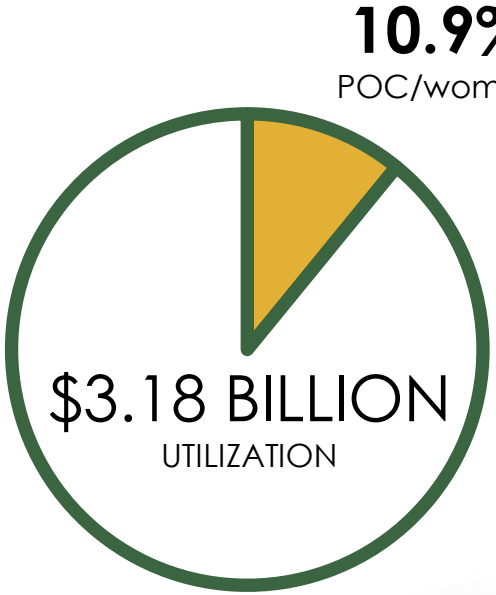
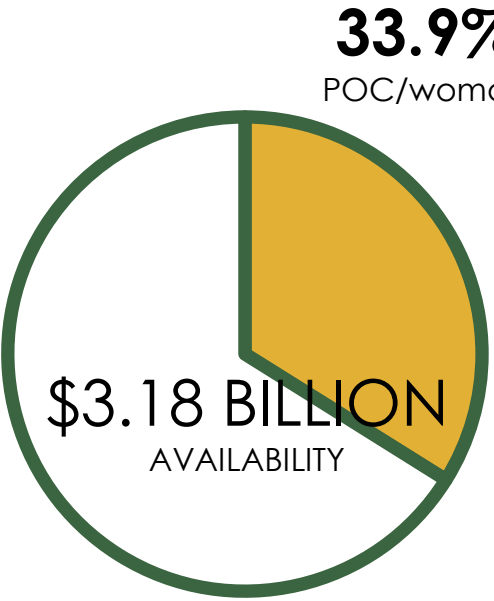
Disparity



Contract set	White woman	Asian American	Black American	Hispanic American	Native American
All work	●	●	●	●	●
Construction	●	●	●	●	
Professional services	●	●	●	●	●
Non-prof. svcs., goods, supplies	●	●	●	●	
Prime contracts	●	●	●	●	●
Subcontracts	●	●	●	●	

● substantial disparity

Disparity Study Results



Guidance & Recommendation Options



- Develop **program manual**
- Increase **solicitation timelines**
- **Unbundle** large projects
- Engage **new businesses**
- Expand **competitive bidding**
- Use **subcontracting minimums**
- Improve **subcontract data collection**
- Use **small business contract goals**
- Use **small business set-asides**
- Establish **prompt pay for subcontractors**
- Enforce **subcontract commitments**
- Track **business growth**



Equity in action

Our progress



**PROJECT
MANAGEMENT**



DATA DASHBOARD

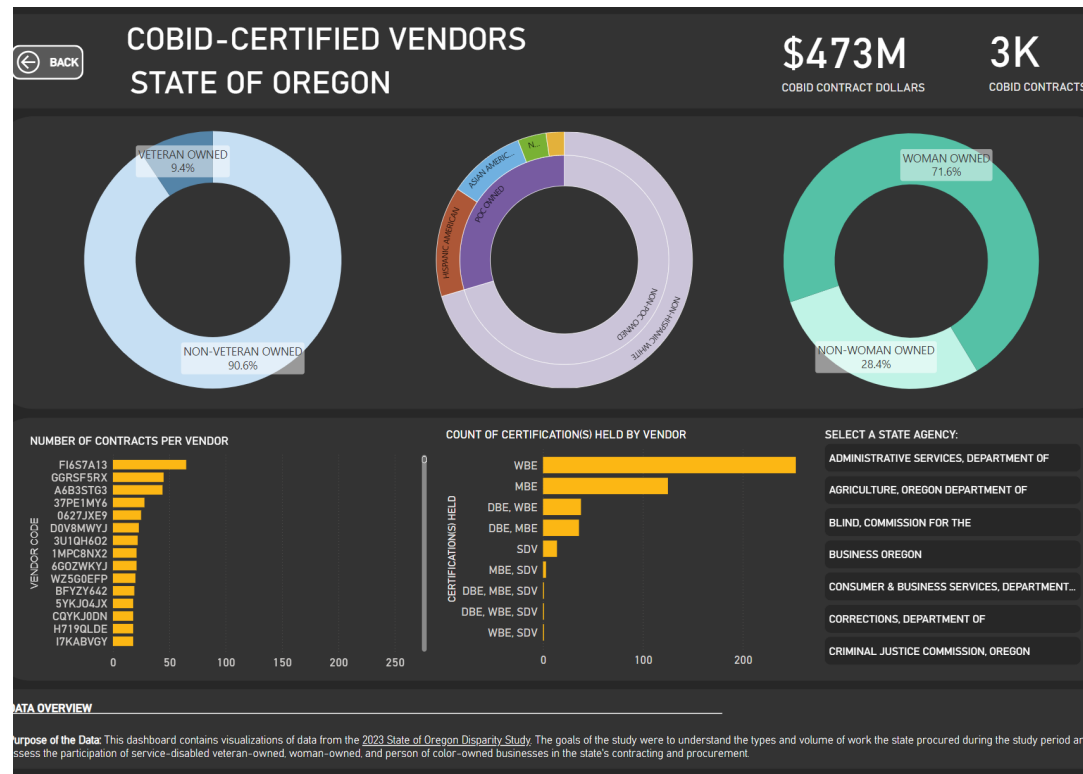


FOCUSED OUTREACH

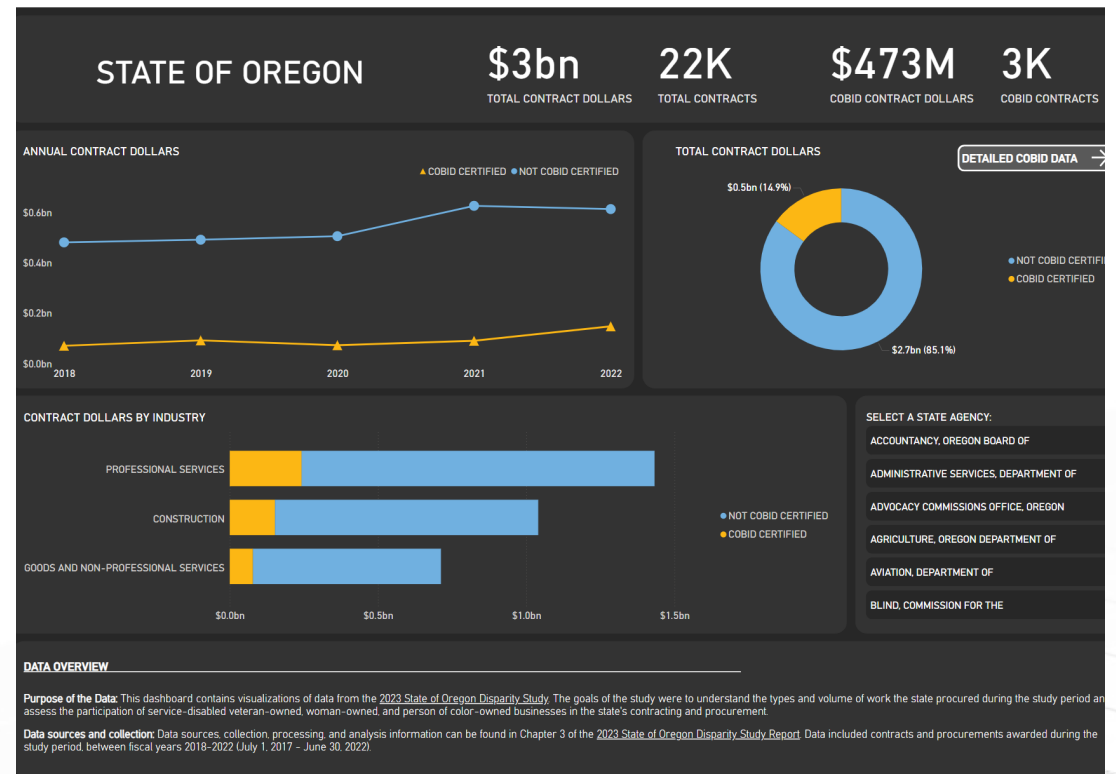


The Dynamic Disparity Study

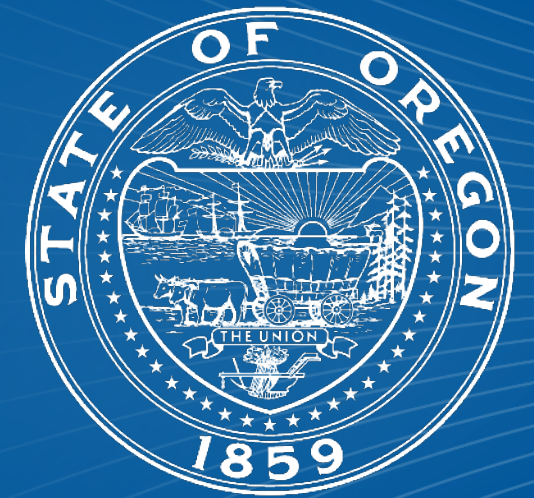
COBID Total Spend and details



Total Spend



Questions?



Office of Equity Procurement

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