

1 [Resolution urging the Human Rights Commission to continue to collect evidence regarding  
2 discrimination against minority and women owned businesses in private contracting markets  
in the Bay Area.]

3 **Resolution urging the Human Rights Commission to continue to collect evidence**  
4 **regarding discrimination against minority and women owned businesses in private**  
5 **contracting markets in the Bay Area.**

6 WHEREAS, In upholding the City and County of Denver’s remedial contracting  
7 program in *Concrete Works of Colorado v. City and County of Denver* (10th Cir. 2003) 321  
8 F.3d 950, the Tenth Circuit Court of Appeals recognized in February 2003 that disparities in  
9 private markets in the region provide a strong indicator of the extent to which minorities and  
10 women would be used in a public entity’s contracting program absent any remedial affirmative  
11 action programs; and,

12 WHEREAS, This Board recently passed legislation extending the  
13 Minority/Women/Local Business Utilization Ordinance (“MBE/WBE Ordinance”) to June 30,  
14 2008 to continue to remedy identified discrimination against MBE and WBE prime contractors  
15 and subcontractors in city contracting; and,

16 WHEREAS, The evidence on which this Board relied to reauthorize the MBE/WBE  
17 Ordinance included, among other things, compelling statistical and anecdotal evidence  
18 obtained by the San Francisco Human Rights Commission that establishes the ongoing  
19 discrimination against minority and women owned businesses in the Bay Area private sector;  
20 and,

21 WHEREAS, By continuing to obtain evidence regarding discrimination against minority  
22 and women owned businesses in the Bay Area private sector, as well as other evidence of  
23 discrimination against MBEs and WBEs, the Board will continue to ensure that the MBE/WBE  
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1 Ordinance is narrowly tailored to remedy identified discrimination against MBEs and WBEs in  
2 City contracting; now, therefore, be it

3 RESOLVED, That, in light of the Tenth Circuit's decision in *Concrete Works*, the Board  
4 urges the Human Rights Commission to continue to collect evidence regarding discrimination  
5 against minority and women owned businesses in private contracting markets in the Bay  
6 Area.

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