

Testimony submitted to the Senate Transportation Committee  
For the Hispanic American Construction Industry Association and  
The Federation of Women Contractors

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There is another significant administrative step the Illinois Tollway Authority can take to advance equity in contracting: as part of their disparity study, request and collect vendors' willingness and ability to work in specific units of local government in Illinois.

This is not something that would typically fall in the scope of the disparity study since the Tollway would only care whether a vendor is willing and able to work for the Tollway. But by collecting this information and making it public, it will make it significantly easier and cheaper for units of local government to establish their own supplier diversity programs. The additional data is then a public service to other units of local government.

Some background: in order for any unit of government to administer a supplier diversity program with aspirational goals for minority-owned and woman-owned businesses, the government must demonstrate through a quantitative and qualitative study that there is in fact a disparity in contracting. The existing of this disparity justified the race-conscious policy to survive any constitutional challenge on Equal Protection grounds. These disparity studies are periodically conducted by all government agencies that run supplier diversity programs (typically about once a decade or a bit more frequently).

There has been pending legislation to require large units of local government (counties and municipalities) that receive motor fuel tax funding from the State to establish supplier diversity programs. The most recent version was Senator Napoleon Harris' Senate Bill 177 which passed this committee and the full Senate last year. (It was shelved in the House).

One objection to extending supplier diversity programs to municipalities and counties has been the cost of conducting disparity studies. They are significant expenses.

A large component of the disparity study is the Availability Analysis which involves surveying businesses that could work with the government agency. Since the Tollway will be surveying road construction contractors all over Northern Illinois anyway, it would be very helpful if the Tollway could add an additional question to that survey and inquire of the road contractors all of kinds whether they are willing and able to do business with any or all of the units of local government that fall under the requirements of SB177.

Those units of local governments could then use the information from the Tollway's disparity study for free and save hundreds of thousands of dollars on data collection costs for their own studies — at least as it relates to road construction vendors.