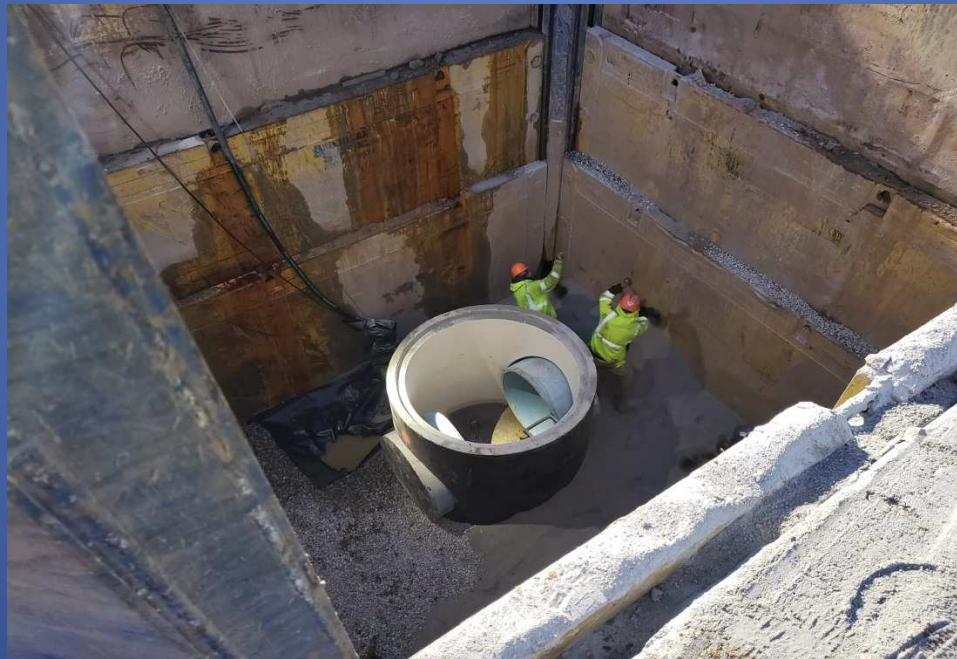


Increasing Contractor Diversity & Local Contractor Participation in Public Works Construction Contracts



December 4, 2018

Goals

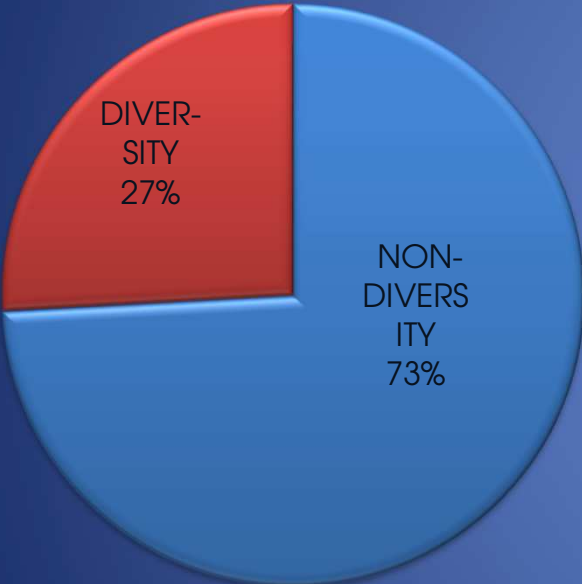
- Increase the participation of Minority-Owned Business Enterprises (“MBEs”) and Woman-Owned Business Enterprises (“WBEs”)
- Increase diversity of the labor force
- Increase participation of local businesses
- Increase the employment of local workers on projects

Actions to Date - Procurement

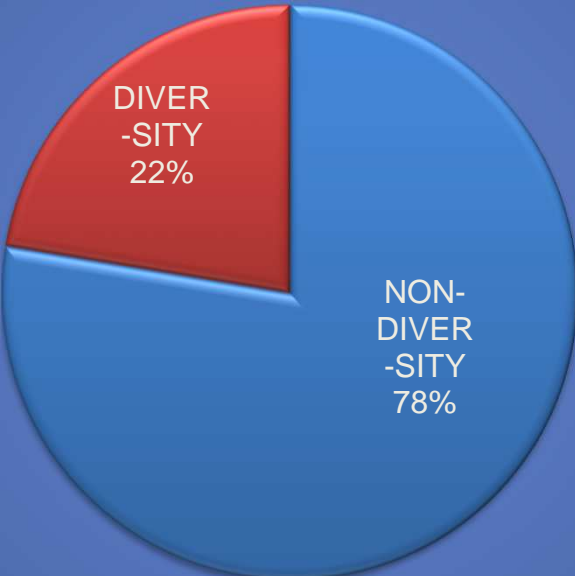
- Increasing supplier diversity for *all* types of contracts
 - Leverage the State's Office of Supplier Diversity
 - Simplified website and easier bid notifications
 - Enhanced outreach
 - Open for Business, Chamber of Commerce (monthly)
 - Caanan Baptist Church Minority Business Forum
 - DeIDOT Disadvantage Business Enterprise Exposition
 - How to do Business in Delaware
 - How to do Business with the National Guard
 - Supplier Diversity Panel for the Institute of Supply Management
 - State Vendor Day
 - Delaware Diversity Program
 - How to do Business with New Castle County

Progress

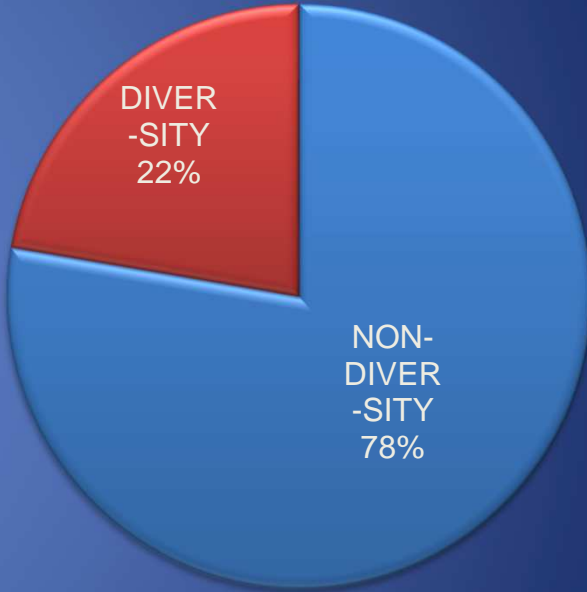
FY17



FY16

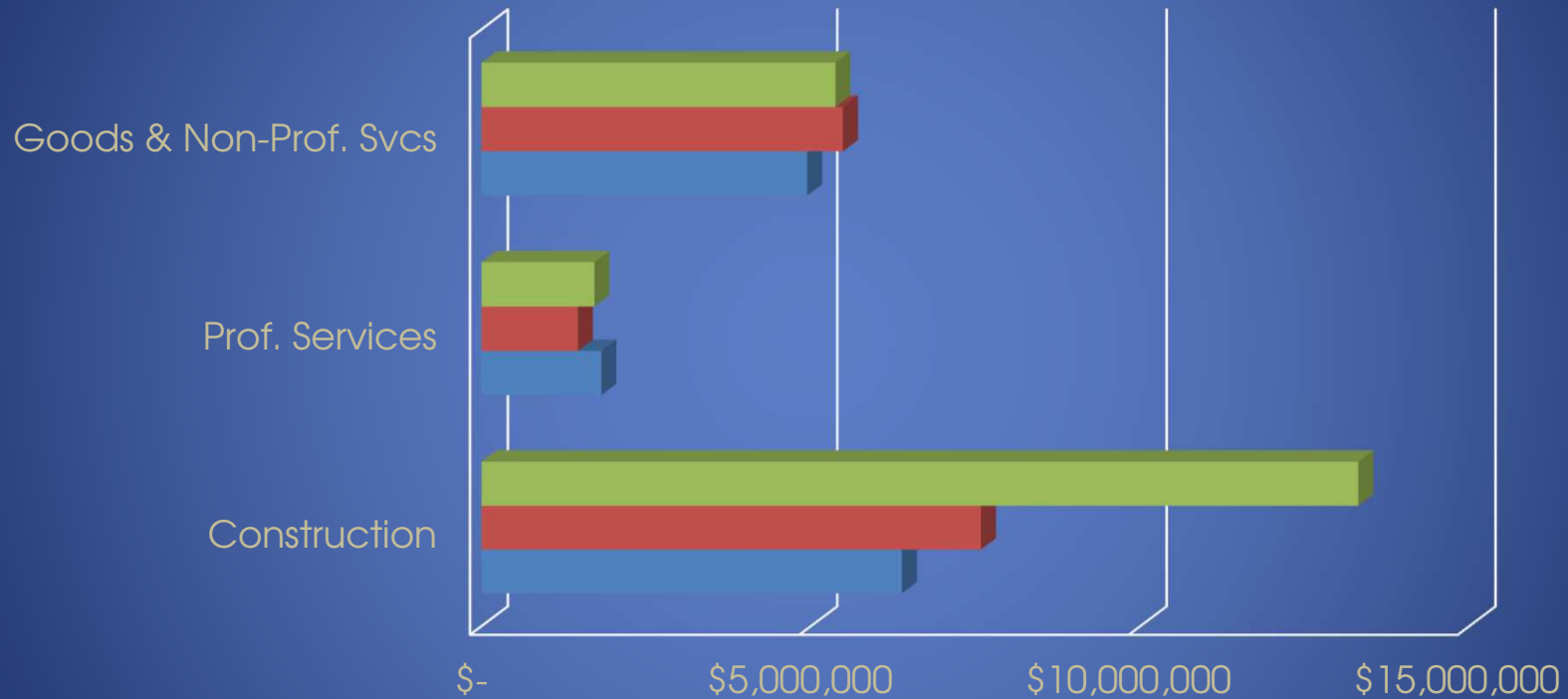


FY15



Progress

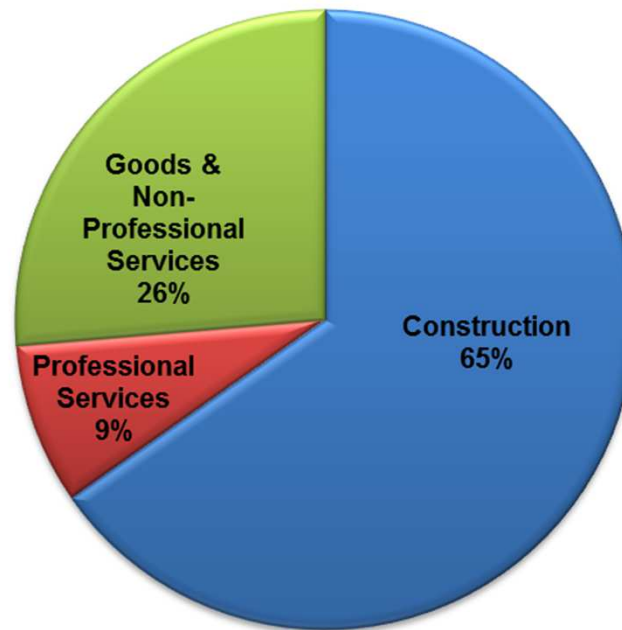
Supplier Diversity Spend by Procurement



	Construction	Prof. Services	Goods & Non-Prof. Svcs
■ FY17	\$13,309,268	\$1,713,469	\$5,371,816
■ FY16	\$7,581,662	\$1,463,220	\$5,486,053
■ FY15	\$6,381,136	\$1,820,415	\$4,945,301

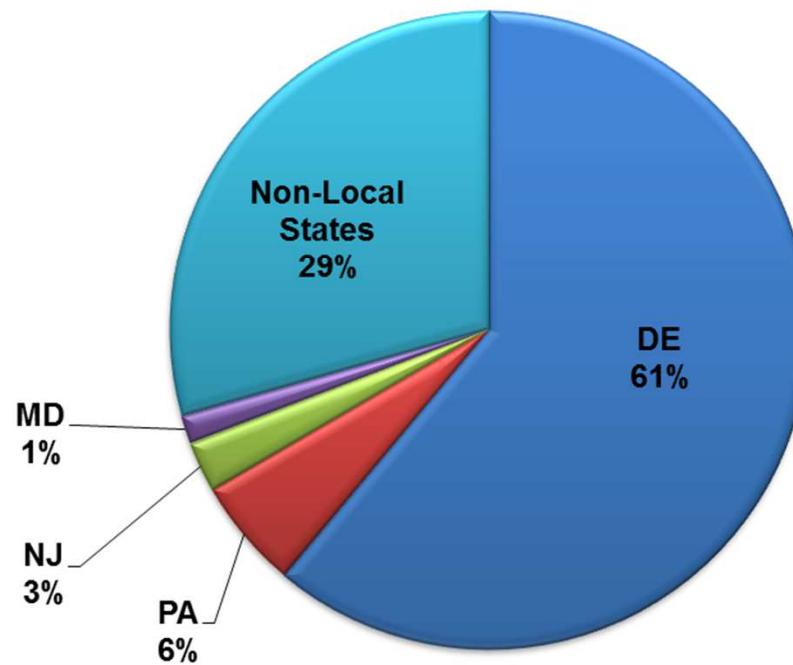
Progress

2017 Supplier Diversity per Procurement Category



Progress

**2017 Supplier Diversity Spend
per State**



PW Contracts – Limiting Factors for Diversifying Contractors

- State Law
 - Prohibits awarding contracts to any provider except for the “lowest responsible bidder.” 9 Del. C. §314(a).
- Constitution
 - Data to establish compelling interest
 - Narrowly tailored measure

Proposed Short-Term Measures

- Lowest responsible bidder must show good faith efforts to hire a minimum % of MBE/WBEs
 - Copies of solicitations
 - Evidence of efforts to negotiate
 - Quotes from MBEs
- Noncompliance once contract awarded may result in disqualification from bidding for a period
- Implemented in other jurisdictions and withstood legal challenges

Possible Long-Term Measures

- Change State Code to allow factors other than “low bid” when award PW Contracts
- Collect and analyze data
 - Establish basis for good faith efforts for a diverse labor force on the job
 - Establish basis to prioritize local contractors
 - Establish basis for good faith efforts for % of local laborers on a job

The End

