



2009 SAN ANTONIO REGIONAL BUSINESS DISPARITY CAUSATION ANALYSIS STUDY

-FREQUENTLY ASKED QUESTIONS-

DEFINITIONS OF TERMS AND PHRASES

Below you will find some frequently asked questions regarding the definitions and explanations of certain terms, phrases, and expressions used in the Disparity Study.

We appreciate your interest and look forward to working with all local businesses and other public entities to ensure a fair opportunity to compete.

- **Please explain the “Limit burden on third parties” as it is mentioned in the Recommendations.**

MGT’s Response:

Essentially, limit the burden on non-minority males who are not participants in the program. One mechanism is through measures of program flexibility, such as waivers when goals cannot be achieved after good faith efforts.

- **If a firm is a minority and a woman-owned firm, are they counted twice?**

MGT’s Response:

A firm that is minority and woman-owned firm are classified under their minority classification and therefore are not counted twice. For example, an African American women-owned firm is classified African American.

- **If a minority woman-owned firm was only counted once, why did race take priority over gender?**

MGT’s Response:

It has become standard in the industry to include minority women with minority men. The general logic is that nonminority females are more likely to come into business through their relationships with nonminority males.

- **Please define “Race and Gender Neutral”.**

MGT’s Response:

Race and Gender Neutral programs means that a preference is not granted on the basis of race and gender

- **What defines the non-minority male category?**

MGT's Response:

White males

- **What is the actual definition of Availability – as referenced on page 3-5? Is availability the number of firms that bid on projects or the number of firms that have been “notified” of these projects?**

MGT Response:

For the purposes of this study, prime availability was based on firms that (1) have performed prime contract work for COSA; (2) have bid on or been notified about prime contract work for COSA; or (3) have performed work or bid on work for one of members of the Consortium. These firms are considered to be available because they have either performed or indicated their willingness to perform prime contract work for the local San Antonio market area.

- **What constitutes “notification” as used in the definition of availability above?**

MGT Response:

For the purposes of this study, firms that were notified about a project but did not bid on the project; this would include firms that were present on plan-holder's lists and/or attended bid meetings.

- **If firms are currently working at capacity are they still considered available? How does this skew the availability numbers?**

MGT Response:

For COSA, the availability analyses (for prime contractors) was based on firms that (1) have performed prime contract work for COSA; (2) have bid on or been notified about prime contract work for COSA; or (3) have performed work or bid on work for one of members of the Consortium . These firms are considered to be available because they have either performed or indicated their willingness to perform prime contract work for the local San Antonio market area. This analysis was based on data during the study period for COSA.

- **On page 4-4, it states that non-minority firms are underutilized - would like clarification on this. Is there a “properly utilized” category or do you go immediately from being underutilize to over utilize? Would further like clarification on whether or not there is a threshold?**

MGT Response:

As far as a threshold, underutilization would be a disparity index of 100 or less and overutilization would be a disparity index of 100 or greater. Based on

underutilization, a disparity index of less than 80 is considered to be at a substantial level.

- **On page 5-1, what is the definition non-biased bidding?**

MGT Responses:

Not showing favoritism in bidding practices, fair bidding practices

- **How does the study account for capacity when calculating availability?**

MGT Responses:

In order to take in account, the analyses (where applicable) was conducted by prime contractor and subcontractor availability. In addition, the disparity calculations were conducted on separate prime contractor and subcontractor level. Capacity limitations are of greater relevance at the level of prime contracting.

- **How does the study account for subs that do not pull permits (i.e. ceramic tile companies)?**

MGT Responses:

Chapter 6.0 presents our data collection process for permits. The analyses were based on available data maintained by the COSA's Development Services Department.

- **On page 9-4, it says 8 out of 500 companies surveyed reported discrimination. How can you say this is "rampant discrimination?"**

MGT Responses:

It was stated that eight M/WBEs (out of 508) reported discriminatory experiences with COSA over the past five years. However, we did not state that this is rampant discrimination.