



Board of Commissioners of Cook County

Contract Compliance Committee

Wednesday, July 24, 2024

3:30 PM

**Cook County Building, Board Room,
118 North Clark Street, Chicago, Illinois**

Issued on: 7/15/2024

NOTICE AND AGENDA

There will be a meeting of the Committee or Subcommittee of the Board of Commissioners of Cook County at the date, time and location listed above to consider the following:

PUBLIC TESTIMONY

Authorization as a public speaker shall only be granted to those individuals who have registered to speak, with the Secretary, 24 hours in advance of the meeting. To register as a public speaker, go to the meeting details page for this meeting at <https://cook-county.legistar.com/Calendar.aspx> to find a registration link. Duly authorized public speakers may speak live from the County Board Room at 118 N. Clark Street, 5th Floor, Chicago, IL or be sent a link to virtually attend the meeting and will be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. After each virtual speaker has completed their statement, they will be removed from the meeting. Once removed, you will still be able to follow the proceedings for that day at:

<https://www.cookcountyil.gov/service/watch-live-board-proceedings> or in a viewing area at 69 W. Washington Street, 22nd Floor Conference Room F, Chicago, IL. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony. Written comments will not be read aloud at the meeting, but will be posted on the meeting page and made a part of the meeting record.

[24-4120](#)

COMMITTEE MINUTES

Approval of the minutes from the meeting of 07/19/2023.

[24-3706](#)

Sponsored by: ALMA E. ANAYA, DONNA MILLER, ANTHONY J. QUEZADA and FRANK J. AGUILAR, Cook County Board of Commissioners

PROPOSED RESOLUTION

**RESOLUTION TO SUPPORT MINORITY AND WOMEN OWNED BUSINESSES AMIDST
LAWSUITS ALLEGING DISCRIMINATION IN GOVERNMENT CONTRACTS**

WHEREAS, The Cook County Minority/ Women Business Enterprise (M/WBE) program was first enacted in 1988, with the purpose of remediating past County discrimination against minorities and women on construction contracts;

WHEREAS, many local governments, including Cook County, were active and passive participants in discriminatory practices that adversely affected the growth and full participation of minority and women-owned businesses in the government marketplace;

WHEREAS, the Cook County M/WBE program evolved over time to apply to goods and services contracts, professional services contracts, and health and hospital contracts;

WHEREAS, in 2000, the construction portion of the program was ruled unconstitutional, and Cook County was without a M/WBE construction program for several years;

WHEREAS, under the leadership of President Preckwinkle, the construction program is now reinstated and on firm constitutional footing, and supported by the County's first ever Disparity Study in 2013;

WHEREAS, a number of cases challenging M/WBE and DBE (disadvantaged business enterprise) programs employed by local governments, including those in Cook County, are now before federal courts across the United States;

WHEREAS, in June 2023, the U.S. Supreme Court ruled in the case Fair Admissions v. Harvard that the university's use of race considerations in their undergraduate admissions process was impermissible, triggering litigation in other areas, including transportation and infrastructure contracting, citing this case as new precedent;

WHEREAS, Mid-America Milling Company v. USDOT was filed in October 2023; plaintiffs assert that the DBE program is unconstitutional because it ultimately uses race and gender in government contracting decisions; the plaintiffs in this case rely heavily upon the U.S. Supreme Court decision in Fair Admissions v. Harvard; plaintiffs, who are based in southern Indiana, have requested that the U.S. District Court, Eastern District of Kentucky enter a nationwide USDOT DBE injunction;

WHEREAS, in Landscape Consultants of Texas and Metropolitan Landscape Management v. City of

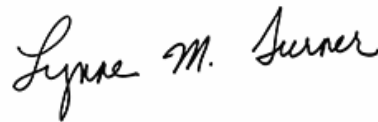
Houston and Midtown Management District, plaintiffs filed a case that challenges local M/W/DBE programs under the Equal Protection Clause of the US Constitution; discovery in that case ends in June 2025, and one or both parties are expected to file motions for summary judgement shortly thereafter; the outcome of this case could impact M/W/DBE programs employed by local governments including Cook County.

THEREFORE, BE IT RESOLVED, M/WBE and DBE programs are essential in ensuring that business opportunities are provided to contractors and workers who reflect the diverse composition of a state/ county/ city's residents.

BE IT FURTHER RESOLVED, Cook County is committed to the inclusion and expansion of opportunities for small, local, minority, and women-owned businesses, which have demonstrated success in promoting economic opportunity, equity, and access.

BE IT FURTHER RESOLVED, the Cook County Board of Commissioners supports M/WBE and DBE programs throughout the nation, including programs employed by the US Department of Transportation and the City of Houston, and we urge Congress to take action to protect the USDOT DBE program and M/WBE and DBE programs overall.

Legislative History : 6/13/24 - Board of Commissioners - refer to the Contract Compliance Committee



Secretary

Chair: Miller

Vice-Chair: Quezada

Members: Anaya, Degnen, Lowry, Moore, K. Morrison, Stamps