# **U.S. History of Systemic Disenfranchisement[[1]](#footnote-2)**

**1857** *Dred Scott v. John Sandford* is a U.S. Supreme Court determination that African Americans were not citizens.

**1865** 13th Amendment of the U.S. Constitution ends slavery.

**1868** 14th Amendment of the U.S. Constitution overrules *Dred Scott* and grants U.S. citizenship to African Americans.

**1896** *Plessy v. Ferguson* upholds segregation and establishes doctrine of “separate but equal.”

**1954** *Brown v. Board of Education* declares “separate but equal” doctrine unconstitutional.

**1964** Civil Rights Act

**1965** Voting Rights Act

**1965** President Johnson signs Executive Order 11246 establishing non-discrimination in hiring and employment.

**1968** Fair Housing Act

**1969** The Philadelphia Plan sets mandatory goals for federal government contractors to hire people of color.

**1979** *Fullivlove v. Klutznick* affirms the federal Disadvantage Business Enterprise (DBE) program.

**1982** Surface Transportation Assistance Act sets a goal for DBE participation in projects with federal funding.

**1989** [*City of Richmond v. Croson*](https://www.portland.gov/sites/default/files/2021/1989-richmond-v.-j.a.-croson-co.pdf) places the strict scrutiny standard on state and local government in remedial contracting programs.

**1995** *Adarand v. Penda* places the same requirements of state and local governments on the federal government.

# **City of Portland’s History of Social Equity in Contracting Programs Before *City of Richmond v. Croson***

**1979** Enactment of first Minority-/Women-owned Business Enterprise (M/WBE) Utilization Program with utilization requirements of 10% for certified MBEs and 2.5% for certified WBEs to perform commercially useful functions on Capital Improvement Projects valued above $100,000.[[2]](#footnote-3)

**1980** [Ordinance 150738](https://efiles.portlandoregon.gov/Record/144201/File/Document/) amended [Chapter 3.100](https://www.portland.gov/code/3/100) Equal Opportunity to include [Chapter 3.100.081](https://www.portland.gov/code/3/100#toc--3-100-081-definitions-), which permitted the City to conduct its own minority, women and disadvantaged certifications.[[3]](#footnote-4)

**1987** The authority and responsibility for certification of minority, women, disadvantaged and emerging small business firms was transferred to the State of Oregon.[[4]](#footnote-5)

# **City of Portland’s History of Social Equity in Contracting Programs Since *City of Richmond v. Croson***

**1990** As a result of the [*Croson*](https://www.portland.gov/sites/default/files/2021/1989-richmond-v.-j.a.-croson-co.pdf) decision, the City of Portland allowed its M/WBE Utilization Program to expire. The City continued to have goals only for federally funded projects.[[5]](#footnote-6)

**1991-1994** The City used the First Source Hiring Program to affirm the City’s commitment to employ economically/socially disadvantaged individuals in the construction trades. The program did not generate as many jobs as expected, so the program was phased out in 1994.[[6]](#footnote-7)

**1994** [Ordinance 167347](https://efiles.portlandoregon.gov/Record/2461584/File/Document) Authorize Mayor to enter the Intergovernmental Agreement for creation of a Construction Industry Workforce Clearinghouse; establish staffing and systems for implementation of Clearinghouse on City construction projects. The City adopted the Workforce Training & Hiring Program.[[7]](#footnote-8)[[8]](#footnote-9)

**1995** The City formally integrated “good faith” contracting requirements into all construction contracts above $200,000.[[9]](#footnote-10)

**1993-1996** [Oregon Regional Consortium Disparity Study](https://www.portland.gov/sites/default/files/2021/1996-oregon-regional-consortium-disparity-study-vol-1a-vol-1b-and-vol-2.pdf)

**1997** [Fair Contracting and Employment Strategy Report](https://efiles.portlandoregon.gov/Record/14337022/File/Document/)

* Proposal of Sheltered Market Program (implemented in 1997).
* Proposal of Direct Services Contracting (implemented in 2010).

**2001** [Fair Contracting & Employment Strategy: Three year review](https://efiles.portlandoregon.gov/Record/141260/File/Document)

**2001** [Resolution 36050](https://efiles.portlandoregon.gov/Record/141259/File/Document) Accept the Fair Contracting and Employment Strategy and direct its implementation.

**2001** [*The City’s Consultant Contracting Procedures Need to be Strengthened*](https://efiles.portlandoregon.gov/Record/8310846/File/Document/)Audit

**2003** [Ordinance 177244](https://efiles.portlandoregon.gov/Record/163270/File/Document/) Adopt *Proposal to Increase Minority-Owned, Women-Owned and Emerging Small Business Utilization in Professional, Technical and Expert Contracting.* Also see [ADM 1.11](https://www.portland.gov/policies/administrative/purchasing/adm-111-proposal-increase-minority-owned-women-owned-and).

**2007** [Resolution 36558](https://efiles.portlandoregon.gov/Record/2969089/File/Document/) Modify the Professional, Technical, and Expert policy documents to address Minority, Women, and Emerging Small Business subcontractor concerns and to require public notice of the City intent to execute sole source PTE contracts. See also [ADM 1.14](https://www.portland.gov/policies/administrative/purchasing/adm-114-professional-technical-and-expert-policy-documents).

**2009** [Resolution 36718](https://efiles.portlandoregon.gov/Record/3666557/File/Document/) Establish the City of Portland Fair Contracting Forum to support and promote accountable, transparent, fair, effective, and efficient contracting practices.

**2009** [Resolution 36757](https://efiles.portlandoregon.gov/Record/3731643/File/Document/) Require City Bureaus to include at least one minority evaluator provided by the Alliance of Minority Chambers on all contractor evaluation and selection panels awarding City contracts in excess of the formal solicitation thresholds for contracts that are not awarded on the basis of lowest responsible bidder. Also see [ADM 1.18](https://www.portland.gov/policies/administrative/purchasing/adm-118-minority-evaluator-contractor-evaluation-and-selection).

**2009-2011** [City of Portland Disparity Study](https://efiles.portlandoregon.gov/Record/4343411/File/Document/)

**2010** [*Sheltered Market Program*](https://efiles.portlandoregon.gov/Record/3755956/File/Document/)Audit

**2011** [Resolution 36868](https://efiles.portlandoregon.gov/Record/4343410/File/Document/) Accept City of Portland Disparity Study Report and direct OMF to take immediate action to enhance the City's equity programs and to bring forward recommendations to City Council to further expand and strengthen the programs no later than February 2012.

**2012** [Resolution 36918](https://efiles.portlandoregon.gov/Record/4895075/File/Document/) Adopt [the Portland Plan](https://efiles.portlandoregon.gov/Record/4895077/File/Document/) (including its Framework for Equity) as a strategic plan to guide future City decisions.

**2012** [Resolution 36944](https://efiles.portlandoregon.gov/Record/5054335/File/Document/) Accept recommendations for a social equity contracting strategy to increase minority-owned, women-owned and emerging small business utilization in City contracting. Also see ADM 1.19.

* Proposal of the Sheltered Market Program to become the PCDP to be implemented with the passage of Ordinance 185897 and adoption of ADM 1.21 in 2013.
* Proposal of the Good Faith Effort Program to become the Subcontractor Equity Program to be implemented in 2015 with the passage of ADM 1.23.

**2012** Workforce Training & Hiring Program [ADM 1.20](https://www.portland.gov/policies/administrative/purchasing/adm-120-workforce-training-hiring-program-administrative-rules) adopted by Chief Procurement Officer.

**2013** [Resolution 37041](https://efiles.portlandoregon.gov/Record/6170740/File/Document/) Reconstitutes the City of Portland Fair Contracting Forum to support and promote accountable, transparent, fair, effective and efficient contracting practices.

**2015** [Resolution 37144](https://efiles.portlandoregon.gov/Record/7859814/File/Document/) Adopt the Citywide Racial Equity Goals and Strategies, as presented by the Office of Equity and Human Rights, to guide City policies and procedures.

**2015** [*City Procurement: Contracting process needs Council intervention*](https://www.portlandoregon.gov/auditservices/article/535050) Audit

**2017** [Resolution 37329](https://efiles.portlandoregon.gov/Record/11388586/File/Document/) Adopt the [Community Equity and Inclusion Plan](https://efiles.portlandoregon.gov/Record/11388587/File/Document/) for all City of Portland public improvement contracts that utilize alternative contracting methods and have estimated contract values of $10 million to $25 million; and utilize the City of Portland [Community Benefits Agreement](https://efiles.portlandoregon.gov/Record/11388588/File/Document/) for public improvement contracts with estimated contract values in excess of $25 million.

**2017** [Resolution 37331](https://efiles.portlandoregon.gov/Record/11399457/File/Document/) Directs Office of Management and Finance and Office of Equity and Human Rights to develop a Community Opportunities Enhancements Program and funding plan.

**2018** [Regional Construction Workforce Market Study](https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1096&context=soc_fac) (Metro and Portland)

**2019** [Ordinance 189489](https://efiles.portlandoregon.gov/Record/12946436/File/Document/) Authorize a class exemption to implement Job Order contracting for asphalt paving, repair and concrete work.

**2020** [Resolution 37474](https://efiles.portlandoregon.gov/Record/13505598/File/Document/) Direct the Chief Procurement Officer to sign the Construction Career Pathways Project Framework and commit to continuing to support the regional workgroup led by Metro.

**2020** [Resolution 37492](https://efiles.portlandoregon.gov/Record/13780724/File/Document/) Adopt Anti-Racism, Equity, Transparency, Communication, Collaboration, and Fiscal Responsibility as the Core Values of the City of Portland as recommended by the Bureau of Human Resources and the Office of Equity and Human Rights to inform a unified workplace, city culture systems, policies, practices, and procedures.

**2020** [Ordinance 189878](https://efiles.portlandoregon.gov/Record/13558612/File/Document/) Increase Direct Contracting of Professional Services ([City Code 5.68](https://www.portland.gov/code/5/68)) from $100,000 to $150,000 and replicate the existing authority in Professional Services to Goods + Services (City Code [5.33.075](https://www.portland.gov/code/5/33/075)).

**2020** [Ordinance 190061](https://efiles.portlandoregon.gov/Record/13915331/File/Document/) Approve findings to authorize an exemption for a class of public improvement contracts from the competitive bidding requirements and authorize the use of the alternative contracting method of Job Order Contracting for alterations construction services.

**2020** [Ordinance 190197](https://efiles.portlandoregon.gov/Record/14037350/File/Document/) Adopt Code and administration rules for the Community Opportunity and Enhancements Program. See also [Code Chapter 5.35](https://www.portland.gov/code/5/35) and ADM 1.25 (not yet available).

**2020** [*Equity in Construction Contracting*](https://efiles.portlandoregon.gov/Record/13989403/File/Document/)Audit

1. U.S. History of Systemic Disenfranchisement timeline adapted from “[Culture, Collaboration, and Capital: Leveraging Procurement of Economic Equity](https://www.lisc.org/media/filer_public/4d/fc/4dfcd821-7d1d-4e5b-be8a-40013e8b74df/0812109_resource_implementation_guide_final_32019.pdf)” Report (2019) [↑](#footnote-ref-2)
2. Mason Tillman Associates, Ltd. Oregon Regional Consortium Disparity Study: Volume 2. Portland, Oregon. 1996, pp.6-6. [↑](#footnote-ref-3)
3. Ibid. [↑](#footnote-ref-4)
4. Ibid. [↑](#footnote-ref-5)
5. Ibid, pg. 6-7. [↑](#footnote-ref-6)
6. Ibid, 6-8. [↑](#footnote-ref-7)
7. Ibid, 6-9. [↑](#footnote-ref-8)
8. [ADM 1.20](https://www.portland.gov/policies/administrative/purchasing/adm-120-workforce-training-hiring-program-administrative-rules) states that that the City adopted the Workforce Training & Hiring Program in 1997, which needs to be corrected to 1994. [↑](#footnote-ref-9)
9. Mason Tillman Associates, Ltd. Oregon Regional Consortium Disparity Study: Volume 2. Portland, Oregon. 1996, pp.6-9. [↑](#footnote-ref-10)