

City of Alexandria, Virginia
FY 2024 Proposed Operating Budget & CIP
Budget Questions & Answers

April 7, 2023

Question: Can you provide the expected outcomes and products of the proposed \$200,000 Disparity Study? Are there other alternatives available to achieve these outcomes?

Response:

A disparity study will provide the City with a comprehensive analysis of its procurement utilization over time by race and gender, where the information is available. Based on the interpretation of the data, the study will provide recommendations for remediation, if warranted. Remediation recommendations may range from improved systems, to improved data collection and availability, to dedicated City resources to support minority business outreach. In addition, the study will attempt to identify specific demographics (e.g., Asian-owned) for which preferential contracting practices could withstand a legal challenge from firms who would be disadvantaged by the preferential treatment. Finally, the study would include qualitative and anecdotal evidence supported by surveying the business community. This information could be used to focus resources and outreach efforts to assist the business community.

The existence of quantifiable discrimination, as evidenced by a disparity study, would provide the City with potential justification in a court of law for procurement processes that increase the opportunity for one firm to compete for a City contract compared to another firm. It is important to note that fairness is still open to interpretation by a court, if the City were to be challenged. Under a "strict scrutiny" standard that would be applied by the courts, the City must have a compelling governmental interest in remedying past identified discrimination or its present effects and establish that the use of any such measure is narrowly tailored to achieve the goal of remedying the identified discrimination.

The alternative to a disparity study is for the City to set aspirational goals to increase awareness, participation, and potential opportunity (both perceived and demonstrated) for all businesses to provide contracted goods and services for the City. Examples of disparity study results are linked below:

- [Arlington, Texas](#)
- [Charles County, Maryland](#)