



U.S. HISPANIC CONTRACTORS ASSOCIATION

September 19, 2018

Ms. Jannette Goodall, City Clerk
City of Austin
301 W. 2nd Street
Austin, Texas 78701

OCC RECEIVED AT
SEP 19 '18 PM 1:42

Re: Appeal of Adopted Rule to City Manager "R161-17-14: Proposed Revision to the Section 9 (Pre-Award Compliance) of the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program Rules related to procedures of the Good Faith Efforts process described in the City's MBE/WBE Procurement Program for particular construction contracts"

Dear City Clerk:

Please accept this letter as my formal request to file an appeal of adopted rule to the City Manager. Specifically, our organization is respectfully requesting an appeal to:

Manager "R161-17-14: Proposed Revision to the Section 9 (Pre-Award Compliance) of the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program Rules related to procedures of the Good Faith Efforts process described in the City's MBE/WBE Procurement Program for particular construction contracts"

Our reasons include:

1) The request for this administrative change was made on behalf of Prime Contractors not local, small, minority and women-owned businesses.

2) The administrative changes were not clearly articulated and presented to the local, small, MBE/WBE stakeholders. There are different interpretations of the administrative changes and the implications of the administrative changes.

3) The administrative changes were not presented or approved by the Austin City Council appointed MBE/WBE Small Business Advisory Committee.

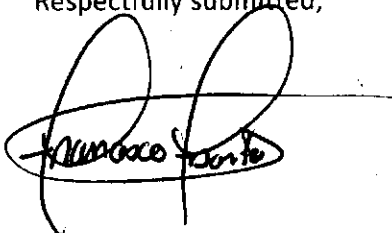
4) The MBE WBE Program is a goal oriented program based upon proven Good Faith Efforts. The Good Faith Efforts are measured and determined by the outreach components. Current and passed Disparity Studies speak to the City of Austin's role as a passive participant in discrimination in the manner in which contractors are awarded. These Disparity Studies include quantitative, qualitative and anecdote data supporting these findings.

5) We believe these administrative changes creates both a conflict of interest for the City and liability.

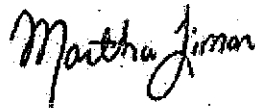
6) This Administrative Appeal process creates an unfair burden on local, small, minority and women-owned businesses/organizations subjecting them to a meticulous and formal bureaucratic process and standard.

I am respectfully filing this appeal on behalf of the U.S. Hispanic Contractors Association de Austin located at 7701 N. Lamar Blvd., Suite 410, Austin, Texas 78705, phone number 512.627-5444, email address fuentescon@aol.com or ushcadeaustin@gmail.com

Respectfully submitted,



Frank Fuentes, Chairman
U.S. Hispanic Contractors Association



Martha Limon, Chairwoman
USHCA de Austin