

# GUILFORD COUNTY, NORTH CAROLINA

## 2021 Disparity Study



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# WHO IS CONDUCTING THE STUDY?

Griffin & Strong, P.C.

Firm Specializes in **disparity research, contract compliance, program development, training & supplier diversity consulting:**

The most qualified team in the industry:

- 4 Juris Doctors
- 2 PhD Economists
- PhD Social Psychology
- PhD in Anthropology
- PhD Statistician
- all with expertise in disparity research.

No study conducted by Griffin & Strong, P.C. has ever been challenged or overturned in court.

# METHODOLOGY AND APPROACH

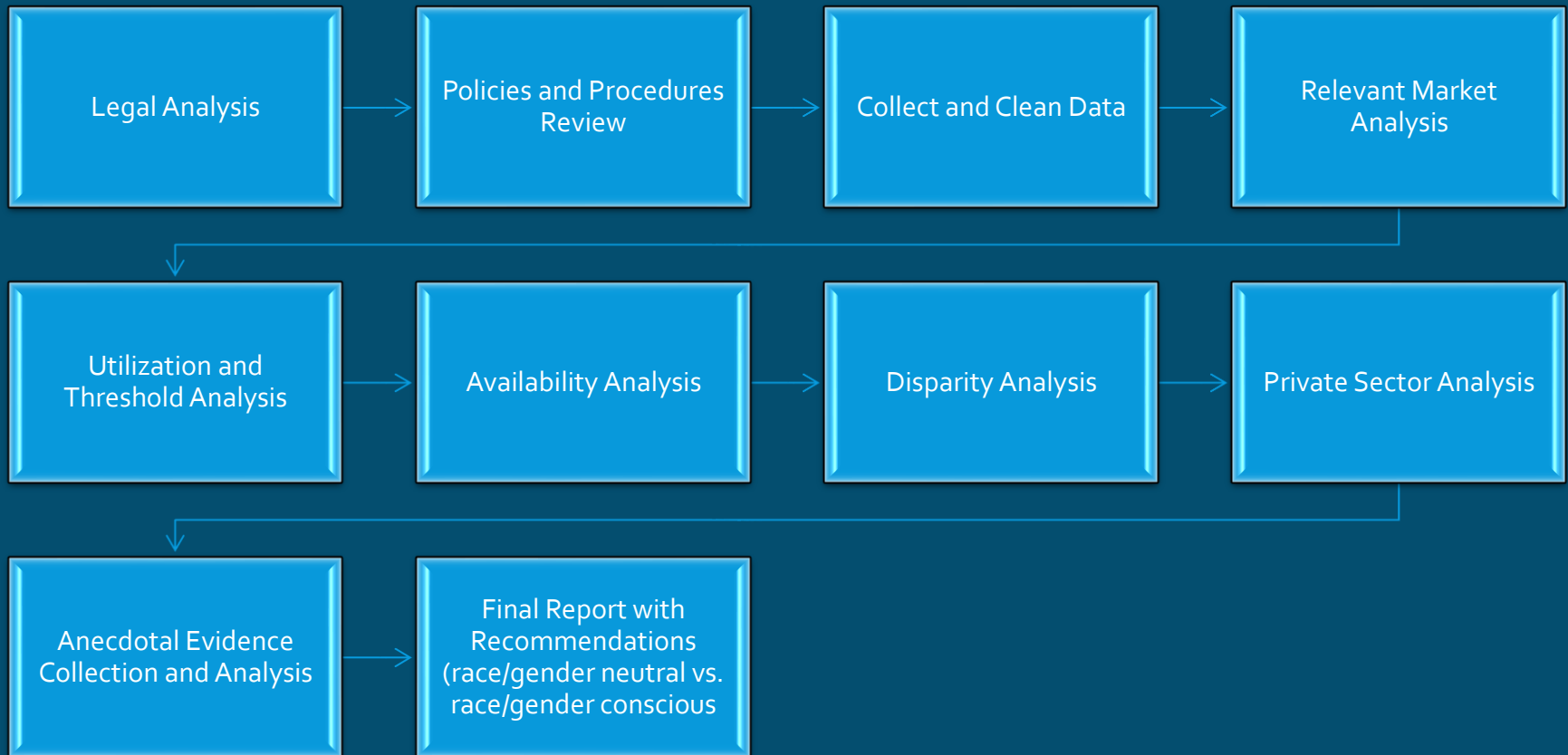


# WHAT IS A DISPARITY STUDY?

A disparity study is an objective research tool that determines whether a governmental agency has actively or passively discriminated against certain groups due to their race or gender.

Discrimination, which may be the current affects of past discrimination, is determined through quantitative (statistical) and qualitative (anecdotal) evidence, as well as an examination of current policies and procedures. The findings of the disparity study will result in recommendations by the study team to remedy any discrimination or disparities found. The recommendations, if accepted, are intended to be implemented as policy.

# WHAT IS THE STUDY PROCESS?



# LEGAL ANALYSIS: WHY AND HOW DO WE DO DISPARITY STUDIES?

## Disparity Studies Form the Factual Basis for Remedial Contracting Programs

City of Richmond v. J.A. Croson Co.,  
488 U.S. 469 (1989)

Adarand Constructors, Inc. v. Peña.  
515 U.S. 200 (1995)

- Strict Scrutiny for race-based programs (Intermediate for gender-based programs)
  - Must have a factual basis in evidence
  - Methodology dictated by Case Law
- Narrowly-tailored remedy (to avoid over- or under-inclusion)
  - Race/Gender Neutral
  - Race/Gender Conscious

# HOW WILL PURCHASING POLICIES AND PROCEDURES BE REVIEWED?

## Interviews and review of written policies and procedures

- Do any policies and procedures present a barrier to MWBE inclusion?
- Do procurement personnel and end users understand policies and procedures as written?
- Do procurement practices match Guilford County's written policies and procedures?

What policies and procedures could be modified to promote MWBE inclusion?

# DATA - WE DO THE WORK



## We Do the Work

- Determine data sources
- Collect all available electronic data and provide the manpower to enter manual data
- Clean the data
- Fill in any data gaps (prime vs. subcontractors)
- Maintain chain of evidence
- Keep you informed
- Provide transparency in processes

# WHAT MARKET IS BEING STUDIED?

## •By Geography:

- Analyze by location to determine the geographical location of at least 75% of award dollars are spent in each of the major procurement categories.
- Only firms in the geographic relevant market will be included in the Study.

## •By Product:

- Determine the products and services procured by the County and by County's prime vendors.
- Only firms providing these products and services will be included in the Study.



# WHO ARE THE AVAILABLE FIRMS?

Conduct Threshold  
Analysis

- To determine the level of contracting done by the County
- To determine the capacity needed to perform as a prime contractor for the County
- To determine the level of contracting performed by each ethnicity/gender group

Available Firms:

- Firms contained on the County's Bidder, Vendor, Awardee, Subcontractor, Certified Lists and third-party lists

# WHAT FIRMS WERE UTILIZED?



- Prime Utilization and Subcontractor.
- Prime Utilization determined by award, purchase order and payment records.
- Subcontractor Utilization
- Utilization analysis is disaggregated by year and group.

# HOW IS DISPARITY DETERMINED?

- GSPC compares Availability and Utilization to develop Disparity Index (DI) for each work category
- Disaggregated by year and by study group.
- Perform Statistical Significance Tests (Standard Deviation)



# HAS THE COUNTY BEEN A PASSIVE PARTICIPANT IN MARKETPLACE DISCRIMINATION?



Is there discrimination in the marketplace outside of the County's procurement?

Has race, ethnicity or gender status affected the utilization of firms in both the public and private sector?

- Self-employment
- Credit market
- Building Permit Data

Can disparities be explained by factors other than race/ethnicity/gender status (Regression Analysis)

# COMMUNITY ENGAGEMENT AND ANECDOTAL EVIDENCE



Informational Meetings



Anecdotal Interviews



Survey of Business Owners



Public Hearings



Focus Groups



Business Civic and Trade Organization  
Meetings



Email/Social Media Comments



# WHAT ARE THE STUDY OUTCOMES?



## Findings

- Executive Summary

## Recommendations

- Recommendations based findings and institutional knowledge.
- Best Practices and innovative approaches for:
  - Race/Gender Neutral or;
  - Race/Gender Conscious Remedies.
- Recommendations informed by unique findings of study and needs of the County

# WHAT HAPPENS AFTER THE STUDY IS COMPLETED?

## Study Roll Out Plan

- Review findings & recommendations with advisors
- Consult on release of the Study

## Implementation is Key

- Presentation of Study should include strong indication on how to move forward

# HOW CAN THE PUBLIC GET INVOLVED?

- Participate if contacted for:
  - Anecdotal Interviews
  - Survey of Business Owners
  - Focus Groups
- Attend a Public Hearing and provide your input
- Email your comments to [guilfordcountystudy@gspclaw.com](mailto:guilfordcountystudy@gspclaw.com)

# HOW CAN THE PUBLIC STAY INVOLVED?

- Find us on Facebook or LinkedIn, or Tweet Us & Follow the Conversation on Twitter (@GriffinStrong)
- Visit the website [guilfordcountydisparitystudy.com](http://guilfordcountydisparitystudy.com) for information and public hearing dates...Coming soon

# PROJECT ARC

Spring, 2021

Data Assessment

Legal Review

Informational  
Meetings

Launch Website

Summer, 2021

Policies and  
Procedures  
Review

Data Collection

Fall, 2021

Survey of  
Business Owners

Preparation of  
Databases

Winter, 2021

Anecdotal  
Evidence

Private Sector  
Analysis

Statistical  
Disparity  
Analysis.

Winter/Spring,  
2022

Study Findings/  
Recommendations  
Draft Study  
Report/Final Study  
Report and  
Presentation



FIND US ON THE WEB AT  
[WWW.GSPCLAW.COM](http://WWW.GSPCLAW.COM)

 **GRIFFIN &  
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ATTORNEYS AND PUBLIC POLICY CONSULTANTS