

## RESOLUTION

**WHEREAS**, the City of Chicago is a driving force for increasing economic opportunities in the Chicago area, providing critical assistance to small and diverse businesses and individuals interested in doing business in ways that ensure equity, access, and transparency in the City's contracting process; and

**WHEREAS**, the City of Chicago provides small and diverse businesses and individuals with opportunities to grow and succeed through training programs, strategic partnerships, and investments in infrastructure; and

**WHEREAS**, these programs support long-term success through training and business development opportunities, as well as a multitude of economic opportunities created by investments in infrastructure and the resources to ensure continued growth in a high-demand industry; and

**WHEREAS**, through its O'Hare 21 Program, Chicago has committed more than \$2,720,000,000 to small, diverse, and veteran-owned firms in construction and professional services; and

**WHEREAS**, the City of Chicago has certified more than 2,500 diverse businesses in the Chicago region and in 2023 achieved 36% diverse business utilization on its construction projects; and

**WHEREAS**, now, programs like these for minority-owned and women-owned businesses (M/W/DBE) are at risk across the nation; and

**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 processes was impermissible; striking that consideration is setting a precedent and sparking litigation in other settings, such as construction contracting; and

**WHEREAS**, A number of cases challenging M/W/DBE programs are now before federal courts across the United States; and

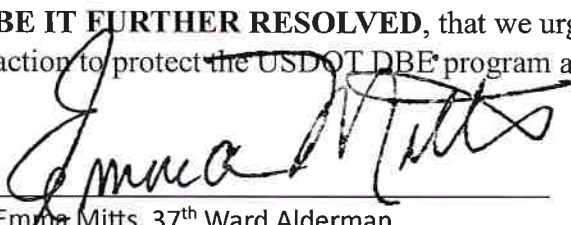
**WHEREAS**, Mid-America Milling Company v. USDOT was filed in October 2023; plaintiffs, who are based in southern Indiana, have requested that the U.S. District Court, Eastern District of Kentucky enter a nationwide USDOT DBE injunction; the plaintiffs assert that the DBE program is unconstitutional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

**WHEREAS**, In Landscape Consultants of Texas and Metropolitan Landscape Management v. City of Houston and Midtown Management District, plaintiffs have filed a case in the U.S. District Court, Southern District of Texas in September 2023 that challenges local M/W/DBE programs under the Equal Protection Clause of the U.S. Constitution; discovery in that case ends in June 2025, and one or both parties are expected to file motions for summary judgment shortly thereafter; this case could decide the fate of M/W/DBE programs employed by local governments such as the City of Chicago,

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Members of the Chicago City Council urge the utilization of small, diverse, and veteran-owned firms, as M/W/DBE programs have demonstrated success in promoting economic opportunity, equity and access; and

**BE IT FURTHER RESOLVED**, that we support the M/W/DBE standards and programs to ensure the success of Chicago's M/W/DBE programs; and

**BE IT FURTHER RESOLVED**, that we urge the United States Congress to take immediate action to protect the USDOT DBE program and M/W/DBE programs overall.

A handwritten signature in black ink, appearing to read 'Emma Mitts', written over a horizontal line.

Emma Mitts, 37<sup>th</sup> Ward Alderman  
Chairman Committee Contracting, Oversight & Equity