



February 9, 2021

Mayor Martin Walsh
1 City Hall Square, Suite 500
Boston, MA 02201-2013

John Barros, Chief of Economic Development
1 City Hall Square, Room 717
Boston, MA 02201

**Re: Concerns Regarding Outgoing Administration's Attempts to Unilaterally
Roll-out Changes to Municipal Contracting Program Without Public Input**

Dear Mayor Walsh and Chief Barros:

On behalf of the many minority-owned businesses that we serve, Lawyers for Civil Rights (LCR) requests that the City publicly release its recently-completed Disparity Study immediately. We further request that the City cease and desist from making any changes – via executive order or otherwise – to its municipal contracting program impacting minority- and women-owned business enterprises (MWBES) until directly affected communities of color are allowed to see the Study and weigh in on necessary reforms.

As you are aware a City-commissioned Disparity Study has been released to some media outlets, but not made available to the public. According to media reports, the Disparity Study shows egregious under-utilization of Black- and Latinx-owned businesses on municipal contracts. Under the Walsh Administration, only 1.2% of the \$2.1 billion spent on municipal contracts over a 5-year period went to Black- and Latinx-owned businesses. According to the Study, the City spent less than half a percent on Black-owned businesses despite the fact that the City could easily have awarded at least 3.6% of its procurement dollars to Black-owned businesses – roughly \$70 million.

As astounding as these statistical racial disparities are, LCR is deeply concerned that the outgoing administration may be preparing to roll-out changes to the City's contracting program before those who are directly affected – and harmed – by the City's discriminatory practices are able to see the Study and provide meaningful input into necessary remedial efforts. Such a move would be highly inappropriate and would represent a continuation of the type of behind-closed-doors practices that have caused these gross disparities in the first place. Failing to provide an opportunity for minority engagement in the remedial process compounds the injury to MWBEs – and is itself further evidence of discriminatory intent. We urge you not to do so, but instead to allow robust community input into needed remedial measures – following public release of the Disparity Study.

Enclosed, please find a public records request for the Disparity Study.

Sincerely,

Iván Espinoza-Madrigal, Esq.
Executive Director

Oren Sellstrom, Esq.
Litigation Director

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February 9, 2021

Shawn Williams
Public Records Access Officer
City of Boston
1 City Hall Square
Room 615
Boston, MA 02201

RE: Public Records Request—Disparity Study

Dear Mr. Williams:

This request (“Request”), submitted pursuant to the Public Records Act, G.L. c. 66, § 10 (“Public Records Act”), seeks information regarding a disparity study commissioned by the City of Boston. As used in this Request, “public records” is defined as in the Public Records Act.

I hereby request a copy of the following public record in the custody of the City:

1. The *full* report Disparity Study commissioned by the City of Boston and conducted by BBC Research & Consulting, analyzing minority and women-owned business participation in city contracting.
2. Any Study or Report or portions thereof provided to the Boston Globe, or any other non-City entity or individual, that analyzes minority and women-owned business participation in city contracting.¹

The purpose of this Request is to gain information about racial and gender disparities in city contracting, and to enhance public accountability and transparency on such matters. The information will not be used for any commercial purpose. As this Request involves a matter of public concern, we ask that all fees associated with this Request be waived pursuant to 950 C.M.R. 32.06(5). If the waiver is denied and you expect the fee to exceed ten (10) dollars, please provide a detailed fee estimate.

The Public Records Law requires that you comply with this Request within ten (10) days following receipt. If your response to any portion of the Request is that any record or portion of it is not public, please set forth in writing the specific reasons for such denial, including which specific exemption you believe applies.

¹ Shirley Leung, City of Boston spent \$2.1 billion in contracts over five years. Only 1.2 percent went to Black-owned and Latino-owned businesses, available at: <https://www.bostonglobe.com/2021/02/05/business/city-boston-spent-21-billion-contracts-over-five-years-less-than-1-percent-went-black-owned-or-latino-owned-businesses/> (citing a “703-page report obtained by the Globe”).

If possible, please provide the document electronically. Should you have any questions about the scope of this Request, please contact me via email at skhakurel@lawyersforcivilrights.org or by phone at 617-371-7506 so that we may resolve any outstanding issues quickly. Thank you for your prompt attention to this matter.

Sincerely,

/s/ Srish Khakurel
Srish Khakurel, Esq.