

City contracts can no longer consider race

By **Sandy Hodson** | *Staff Writer*

Tuesday, March 15, 2007

Augusta can no longer use race as a factor in deciding who get city business, a judge ruled Wednesday.

In a precision demolition of the city's defenses of its Disadvantaged Business Enterprise program, U.S. District Judge B. Avant Edenfield determined Augusta now is enjoined from favoring minority-owned business contractors in awarding bids.

The prohibition will remain in place unless the city convinces the judge or a jury that Judge Edenfield's findings were incorrect in the lawsuit filed by Thompson Building Wrecking Co., Tucker Grading and Hauling, Classic Rock Hauling, and Cullars Trucking.

"This case demonstrates the need for unvarying vigilance against the arrogance of error too long unexamined," Judge Edenfield wrote.

"It would be impossible for Augusta to argue that, 13 years after last studying the issue, racial discrimination is so rampant in the Augusta contracting industry that the city must affirmatively act to avoid being complicit."

The local firms challenged the constitutionality of the city's Disadvantaged Business Enterprise Program. It was established in 1994 to give minority and woman-owned businesses and small-business owners a fairer chance to win city contracts. The need for such a program was based on a study that reported Augusta businesses owned by white men gobbled up nearly all of the contracts.

The city's contention that the legal action was harming the public because the city cannot do business lacked merit, according to the judge's opinion.

The temporary restraining order Judge Edenfield issued last month didn't prohibit the city from awarding contracts. "It simply requires that the city treat all companies the same..."

The judge is awaiting the city's response to a motion for contempt. Attorney Robert A. Mullins filed the motion contending the city continued to apply the Disadvantaged Business Enterprise Program in spite of Judge Edenfield's order last month.

From the Tuesday, March 15, 2007 edition of the Augusta Chronicle