

Opinion: City's responsible bidder law a Jim Crow throwback

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Happy Black History Month from Cincinnati City Council members David Mann, P.G. Sittenfeld, Greg Landsman and Christopher Seelbach. By refusing to modify or revoke the city's responsible bidder ordinance, these four white Democrats are giving us a great history of discrimination lesson. They are paying homage to the post-Civil War Jim Crow laws. You would think that in 2018 we might have moved past the time when we allow the government to blatantly discriminate against minorities and women; but unfortunately, we have not.

Supported by local construction unions, whose ranks and leadership are virtually 100 percent white males, these members of council are refusing to do what is right for the city and its dominant voter base – women and people of color.

Coming out of the Great Depression, Congress passed the original law to discriminate against black construction workers – the Davis-Bacon Act. The Act is named after its co-author, Representative Robert Bacon from Long Island, NY. Bacon was proud to be a known racist. In 1927, he introduced “A Bill to Require Contractors and Subcontractors Engaged on Public Works of the United States to Comply with State Laws Relating to Hours of Labor and Wages of Employees on State Public Works.” This action was a response to the building of a Veterans' Bureau Hospital in Bacon's district by an Alabama contractor which employed only black laborers.

Fast forward to 2013 when Seelbach introduces “responsible bidder” to reduce competition by only allowing union contractors to bid on city construction projects. Seelbach justified his modern-day discrimination and racism just like Bacon – with pleas of investing in “training” – as if only the unions train workers. Hey, all you African-Americans and women – you can do city work – just join the union and get in the back of the bus, that is “responsible” bidding.

In the 1970s and 80s, organizations like the Associated Builders and Contractors fought for the rights of non-union merit shop construction firms to start their own registered apprenticeship programs. These programs thrive today and 86 percent of all construction is done by firms whose workers chose to not belong to a union. Over 90 percent of all women and minority firms are also not union. These firms are open to actively compete for public “prevailing wage” projects, but it appears that they are winning too much of the work. With prevailing wage and federal Davis-Bacon laws having lost their ability to discriminate, new tools of discrimination needed to be created – enter Cincinnati's responsible bidder law.

So, as we continue to celebrate Black History Month, let's be sure to call these members of City Council that support responsible bidder and thank them for repeating what history taught us in 1927 – it is easy to pass a law that hurts minorities and women. Or, when you call, you might ask them to reflect on their error and do what is right. On March 7, the council will likely vote on a

full repeal or “suspension” of responsible bidder. That is when we learn if this is 2018 or we remain tied to the thinking of 1927.

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