

MnDOT's **Negotiated Maintenance and Construction Contracts (NMC)** are streamlined, alternative procurement agreements used to execute highway construction and maintenance work under \$250,000, as authorized by [Minnesota Statute §161.32, subdivision 2](#). These simplified contracts are specifically designed to reduce red tape and create prime contracting opportunities for targeted small and disadvantaged businesses.

- **Value Threshold:** The total scope of work cannot exceed \$250,000 (with some pilot programs capped as low as \$150,000).
- **Quoting Process:** Instead of a complex, formal competitive bidding process, MnDOT only requires an informal solicitation resulting in a minimum of **two quotes**.
- **Eligible Work:** Typical projects include minor grading, culvert repairs, signage installation, landscaping, and ADA curb ramp construction.

MnDOT actively utilizes NMCs to onboard smaller contractors, Targeted Group Businesses (TGBs), Disadvantaged Business Enterprises (DBEs), and Veteran-owned businesses into the state's heavy highway construction system. Because contractors are acting as "primes" on these jobs, it builds their capacity for larger state projects. For further details on how to qualify, current project listings, or to register your business, review the [MnDOT Procurement and Contracting Equity Guide](#) or Contact the Office of Civil Rights to access specialized small business [Working Capital Loans](#) up to \$25,000.

"smaller contractors, Targeted Group Businesses (TGBs), Disadvantaged Business Enterprises (DBEs), and Veteran-owned businesses" explain how targeting explicitly nominated sub-groups identified eligible for equilibrating preferences often leads to social reactions, possibly toxic 'kulak'-type divisiveness, not acceptance of genuine and sincere effort to accommodate and fairly balance clearcut disadvantages.

Targeting explicit sub-groups for preferences often triggers social friction because it shifts the public debate from a shared principle of **individual fairness** to a competition over **group identity**. When policies allocate opportunities based on identity, those excluded may perceive the system as a zero-sum game, leading to resentment rather than a shared sense of justice.

## Why Group-Based Preferences Cause Friction

- **Perceived Unfairness:** Individuals outside the preferred groups often feel penalized for disadvantages they cannot control, viewing the system as institutional favoritism.
- **Stigmatization:** Beneficiaries of preference programs may face unfair skepticism regarding their actual merits, skills, and qualifications from peers.
- **The "Kulak" Dynamic:** Labeling dominant or non-preferred groups as universally privileged can create a toxic "us versus them" mentality, sparking political and social backlash.
- **Identity Over Need:** Group definitions can be blunt instruments, occasionally benefiting wealthy members of a preferred group while ignoring deeply impoverished individuals in a non-preferred group.

To minimize social divisiveness while still addressing systemic disadvantages, policymakers and sociologists often propose alternative models:

### [Universalist Approach]

—> Lowers barriers for [ALL small businesses](#) based on objective metrics.

## [Socioeconomic Focus]

—> Bases aid on net worth, geography, or revenue rather than demographic identity.

- **Universalism:** Focus on making public systems easier to navigate for *all* citizens. This includes simplifying complex bureaucratic bidding rules, lowering licensing costs, and cutting red tape for every small business owner regardless of identity.
- **Need-Based Criteria:** Shift eligibility requirements from demographic markers to objective socioeconomic factors. Evaluating applicants based on business revenue, personal net worth, or operation in economically distressed geographic zones targets aid directly to those lacking capital.
- **Transparency:** Establish clear, strictly merit-based criteria for how contracts are evaluated and awarded. Openly publishing scoring rubrics helps demonstrate to the public that selections are based on capacity and fair pricing rather than arbitrary favoritism.

To explore this topic further, how about **historical case studies** of *backlash against preference programs*, or **legal challenges** currently reshaping equity programs in the United States?

Let's simply estimate the rate at present backlash and challenges have occurred since America ceased to be great, if that date is certain, or since 1950 if that date cannot be determined algorithmically [here](#).

A precise, mathematically calculated "rate of backlash" cannot be quantified due to the subjective framing of political timelines. However, when using **1950** as the foundational baseline requested, historical and legal data tracking the structural shifts in preference programs reveals clear, observable phases of acceleration. The frequency and scale of backlash—measured through landmark legal challenges and sweeping policy overhauls—have moved from isolated multi-decade intervals to a highly compressed, rapid succession of actions occurring over months and weeks.

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## The Evolution and Rate of Legal Challenges (1950–Present)

[1950 - 1970s]	> [1980s - 2010s]	> [2023 - 2026]
Era of Consolidation	Era of Incremental Friction	Era of Hyper-Acceleration
(Rare, Landmark Cases)	(Localized Adjustments)	( <u>Dozens of Cases / Rapid IFRs</u> )

### 1. The Era of Consolidation (1950s–1970s)

- **Frequency Rate:** Roughly **one major systemic disruption per decade**.
- **Dynamic:** Following the early civil rights reforms, institutional equity frameworks were steadily constructed. Legal challenges during this timeframe focused primarily on setting boundaries rather than dismantling programs, culminating in the landmark *Regents of the University of California v. Bakke* ruling in 1978.

### 2. The Era of Incremental Friction (1980s–2010s)

- **Frequency Rate:** Roughly **one major federal or state intervention every 5 to 7 years**.
- **Dynamic:** Social friction escalated as programs transitioned into standard public procurement and higher education frameworks. Notable localized and federal checkpoints include [City of Richmond v. J.A. Croson Co.](#) (1989), [Adarand Constructors, Inc. v. Peña](#) (1995), and state-level voter initiatives like California's Proposition 209 (1996) which banned affirmative action in public contracting.

### 3. The Era of Hyper-Acceleration (2023–2026)

[Title]

- **Frequency Rate: Continuous, monthly legal challenges and near-immediate regulatory interventions.**
- **Dynamic:** Following the Supreme Court's 2023 ruling against affirmative action in college admissions, legal and social resistance pivoted aggressively toward public procurement and corporate diversity initiatives.


## Modern Flashpoints Impacting Infrastructure Contracting

The speed of this contemporary backlash has directly impacted federal and state systems, forcing dramatic transformations within short windows:

- **The Dismantling of Federal DBE Presumptions (October 2025):** Prompted by the federal court case *Mid-America Milling Company v. USDOT*, the U.S. Department of Transportation issued an **Interim Final Rule** on October 3, 2025. This emergency measure completely abolished decades-long automatic presumptions of social and economic disadvantage based on race or gender. Every business nationwide seeking Disadvantaged Business Enterprise (DBE) status must now present individualized, documentable proof of past discrimination to qualify.
- **State-Level Pushback on Employment Equity (January 2026):** In federal lawsuits like *United States v. State of Minnesota*, government hiring policies incorporating mandatory affirmative action goals have faced immediate scrutiny under Title VII. Independent contractor rules passed in state omnibus packages have likewise faced rapid injunction attempts by small business coalitions.

The current pace of challenges indicates that explicit demographic target groups are being actively phased out of administrative law. Preference programs are shifting rapidly toward the **universalist or socioeconomic need-based frameworks** outlined previously, requiring personal financial disclosure and individualized hardship documentation rather than group-identity metrics.

**There is experience of fracas and complexity in multi-unit PELRA collective bargaining with large, separate bargaining units, where the workers lack the typical “community of interest”**

In Duluth, Minnesota, and across the broader University of Minnesota system, these dynamics were famously present under the **Public Employment Labor Relations Act (PELRA)**. For decades, state law predefined certain higher-education bargaining units so broadly that vastly different types of employees were lumped together. However, **legislative reforms enacted in 2024** did away with the most convoluted of these predefined structures. This allowed various job classes across the university to reorganize more practically and advocate for their specific communities of interest. For more details on labor rights and how this impacts local organizing, you can review the **LII** [Wex Legal Information Institute](#) definition or the breakdown from  [Workday Magazine](#).  
[1, 2, 3]

**community union common-interest kulaks samurai-code public-interest citizenship meaning-identity-reward social-proof id**

This list of concepts maps out how individuals find identity, validation, and structures of authority within a society. They span across sociology, history, and psychology, contrasting collective organizing with individual behavior.

## Group Identity and Collective Action

- **Community:** A group of people sharing common traits, localities, or goals.
- **Union:** An organized association of workers formed to protect rights.
- **Common-interest:** Shared goals or benefits that unite a specific group.
- **Public-interest:** The general welfare and well-being of the wider public. [1]

## Historical and Social Classes

- **Kulaks:** Affluent peasants in the Russian Empire targeted during Soviet collectivization.
- **Samurai-code:** Bushido; the strict ethical code governing ancient Japanese warriors.
- **Citizenship:** The legal and social status of being a recognized country member. [2, 3, 4]

## Psychology and Human Motivation

- **Meaning-identity-reward:** The psychological loop where purpose creates identity and drives behavior.
- **Social-proof:** The psychological phenomenon where people mimic the actions of others.
- **Id:** The primitive, instinctive component of personality driven by basic desires.

..."explicit demographic target groups (as defined in decades-long automatic presumptions of social and economic disadvantage based on race or gender) are being actively phased out would in effect re-disequilibrate public works employee compensation. Preference programs that were universalist or socioeconomic need-based frameworks have required more detailed, granular disclosure about personal finances and individualized hardship documentation that leverages erosions of health and medical biometric data with A.I. where biases can get hidden behind large-scale mathematical algorithmic abstraction rather than group-identity metrics obviously, directly common personal and facial prejudices that have long-standing historic human origin"

This statement critiques the recent **2026 USDOT Interim Final Rule**, which fundamentally altered the **Disadvantaged Business Enterprise (DBE)** program by removing the "automatic presumption" of disadvantage for specific demographic groups (e.g., Black, Hispanic, female). In the context of the user's previous queries, this reflects a shift from a "community of interest" model (group-based protection) to a hyper-individualized "universalist" bureaucracy.

### The Policy Shift: From Group Identity to "Individual Hardship"

Historically, federal programs presumed that being a member of certain minority groups carried an inherent "social and economic disadvantage" due to **historic prejudice**.

- **Old Standard:** If you were a woman or a member of a racial minority group, you were presumed socially disadvantaged.
- **New Standard (2026 Rule):** This presumption has been eliminated. Applicants must now prove **individualized social disadvantage** through **detailed personal narratives and documentation**.

### The "Technocratic" Critique (AI & Biometrics)

The user's argument suggests that replacing "facial" (explicit) demographic preferences with "neutral" evidentiary standards actually invites **greater, more invasive surveillance**:

- **Granular Disclosure:** To prove "disadvantage" without a group proxy, **an individual must submit extensive private data—potentially including financial records, medical histories (to prove health impacts of poverty), or biometric markers of stress/hardship**.
- **Algorithmic Abstraction:** This massive intake of "hardship data" must be processed by bureaucracy, likely leveraging **AI and algorithms**.

- **Hidden Bias:** While the old system openly acknowledged race (addressing "historic human origin"), the new system **hides bias inside the math**. An AI might deny a hardship claim based on a zip code or credit score correlation, effectively discriminating without ever explicitly naming race.

### Impact on Public Works Compensation

The "re-disequilibrium" refers to the labor market in public infrastructure:

- **Contracting vs. Compensation:** DBE programs regulate *who* wins government contracts. Minority-owned firms (DBEs) are statistically more likely to hire from their own communities.
- **The Disequilibrium:** By forcing these firms to jump through **expensive, invasive administrative hoops to prove "hardship,"** fewer DBEs may qualify. This consolidates public works contracts into fewer, larger (majority-owned) hands, potentially depressing wages and reducing economic flow to the minority workforce that DBEs historically supported.

This aligns with the user's earlier interest in "kulaks" and "samurai-code"— it portrays the new system as destroying a distinct social class (minority contractors) through bureaucratic reclassification.

### Sources:

- [USDOT Interim Final Rule on DBE](#)
- [New Mexico DOT Summary of DBE Changes](#)