



Request for Proposals

Disparity Study

PROPOSALS WILL BE RECEIVED UNTIL

12:00 Noon, Friday, July 27th, 2018

in

**Purchasing Department, City Hall Building
101 North Main Street, Suite 324 Winston-Salem, NC 27101**

ADVERTISEMENT FOR PROPOSALS

Sealed proposals endorsed **Disparity Study** for the City of Winston-Salem will be received by the City/County Purchasing Department in Suite 324, City Hall Building, 101 North Main Street, Winston-Salem, NC, **until 12:00 Noon, Friday, July 27, 2018**. Instructions for submitting proposals and/or receiving the complete RFP document specifications may be obtained during regular office hours at the same location, or by contacting Jerry Bates via email jerryjb@cityofws.org (Email is preferred) or phone 336-747-6939. The City reserves the right to reject any or all proposals.

Jerry Bates
Purchasing Director

This document IS NOT the complete proposal. To obtain the completed proposal specifications contact Jerry Bates via email jerryjb@cityofws.org, by phone 336-747-6939, or visit the Purchasing Department, City Hall Building, Suite 324, 101 North Main Street, Winston-Salem, NC during regular office hours.

INSTRUCTIONS TO PROPOSERS

INTRODUCTION:

This entire set of documents constitutes the RFP. The proposer must return the RFP with all information necessary to analyze properly the proposer's response as stated within the RFP document. **All proposals shall be returned in a sealed container/envelope marked "Disparity Study"** and submitted to the City/County Purchasing Department in Suite 324, City Hall Building, 101 North Main Street, Winston-Salem, NC, no later than **12:00 Noon, Friday, July 27, 2018. Late proposals will not be considered.**

Proposer Questions and Inquiries

Proposer Questions and Inquiries relative to this RFP must be submitted **in writing only** by **12:00 Noon, Wednesday, July 18, 2018**, to Jerry Bates, City/County Purchasing Director, 101 North Main Street, Winston-Salem, NC 27101 or e-mail: jerryjb@cityofws.org (**Email is preferred**), Fax: (336) 727-2443. The City will provide written responses to all inquiries received by this date, and responses will be made available to all recipients of this RFP. Any oral responses made by any representative of the City may not be relied upon. Any supplements or amendments to this RFP will be in writing and furnished to potential bidders.

RFP Response Submission

Proposals must be submitted in a **sealed container/envelope** containing **one (1) original (please mark document as original)** proposal showing original signatures and seals, **and two (2) copies** of the complete proposal. In addition to the three (3) paper copies, **please include one USB flash drive** containing only the information included in the hard copy version of the proposal in a PDF format and the drive should be clearly labeled with the Company Name and RFP name. Submittals **will not be accepted by fax or electronic mail.**

The City will not be obligated for the expenses of any provider arising out of preparation and/or submittal of responses to this RFP. Any and all proposals to this RFP are to be prepared at the cost and expense of the proposers, with the express understanding that there may be no claims whatsoever for the reimbursement of any costs, damages, or expenses relating to this procurement from the City or any other party for any reason (including the cancellation of this RFP).

Proposals must be made in the official name of the individual, firm, or corporation under which the business is conducted (showing official business address) and must be signed in ink by a person duly authorized to bind legally the business entity submitting the proposal.

All proposals should be complete and carefully worded and must convey all of the information requested by the City. If errors or exceptions are found in the proposal, or if the proposal fails to conform to the requirements of the RFP, the City will be the sole judge as to whether that variance is significant enough to reject the proposal.

Proposals should be prepared simply and economically. All data, materials, and documentation shall be available in a clear, concise form. The City reserves the right to reproduce proposals for internal use in the evaluation process.

Proposers are expressly forbidden from contacting any other city employee or City of Winston-Salem elected official regarding this Request for Proposals. Any such outside contact may result in disqualification from the request for proposal process.

1. INTRODUCTION

The City of Winston Salem (herein referred to as the “City”), through the Office of Business Inclusion & Advancement is seeking proposals from qualified firms to conduct a Disparity Study of the City’s contractual awards in goods, services (professional and general), and construction for a five (5) year period. The study for which proposals are being sought will cover the time period of July 1, 2012 through June 30, 2017.

The objective is to determine the effectiveness of the current program and to recommend modifications and adjustments, if necessary, to the City’s program that comply with the law. The proposer shall provide the City with current legal guidance relative to not only new legislation, policies, and procedures to meet any constitutional mandates, but also the programmatic needs of the City.

A further objective is to recommend programmatic remedies to address any identified underutilization and reduce or eliminate any barriers that adversely affect the contract participation of M/WBE firms, should they exist. This RFP includes a description of the scope of work, proposal requirements, and instructions for submitting your proposal.

1.1 Background

The City of Winston Salem’s Minority and Woman-owned Business Enterprise (M/WBE) program was adopted in July 1983 to ensure that minorities and women have equal opportunities to participate in all aspects of City contracting. Since the original date of creation, the M/WBE Program Plan has been amended by the Mayor and City Council several times to adjust to new legislative direction from the State, to incorporate revisions suggested by the M/WBE Citizen’s Advisory Committee, or to generally strengthen certain elements of the Plan, among other reasons.

In 2014, the City of Winston Salem contracted with Sustainable Community Resources (SCR) to provide a report of best practices for M/WBE Participation Programs. The comprehensive report included implementation plans, collective recommendations, and inclusive contracting processes that have assisted other municipalities in fostering inclusionary practices.

In lieu of a Disparity Study and in response to the data gathered by SCR, the City implemented nine solution- oriented key work items to encourage the utilization of M/WBE firms and to diminish and/or eradicate any barriers that existed. As an on-going effort to strengthen the City’s M/WBE Program, the most recent amendment to the Program Plan took place in 2018.

2. PROCUREMENT PROCESS

This section contains information about the procurement process for this RFP.

2.1 Schedule and Process

The following chart shows the schedule of events to prepare the proposal. The key events and deadlines for this process are as follows, some of which are set forth in more detail in the sections that follow:

| DATE | EVENT |
|-----------------|---|
| June 27, 2018 | Issuance of RFP. The City issues the RFP |
| July 11, 2018 | Non-Mandatory Pre-Proposal Conference. Conference to be held at 2:00pm |
| July 18, 2018 | End of Question Period. 12:00 Noon EST. The last day to submit questions |
| July 27, 2018 | Proposal Submission. Proposals are due by 12:00 Noon EST |
| August 2018 | Evaluation of Proposals |
| August 20, 2018 | Contract Award by Council |
| September 2018 | Disparity Study Initiation. Proposer begins providing all MWBE Disparity Study services |
| March 2019 | Disparity Study Completion |
| April 2019 | Review by Staff |
| April-May 2019 | Approved by City Council |

2.2 Pre-Proposal Conference

A non-mandatory pre-proposal conference will be held on Wednesday, July 11, 2018 at 2:00pm, in room 16 City Hall Building, 101 North Main Street, Winston-Salem, NC 27101. The purpose of this conference is to explain the scope of work as it relates to this RFP. While attendance at the pre-proposal conference is not mandatory, all interested proposers are encouraged to attend. **If you are unable to attend, but would like to join via conference call the call in number is (336)728-1701.** Please contact Tiesha Hinton, Business Inclusion Manager, via email at tieshah@cityofws.org in advance of the conference date and time identifying any additional special accommodations that may be needed.

2.3 Correction of Errors

The person signing the proposal must initial erasures or other corrections in the proposal. The proposer further agrees that in the event of any obvious errors, the City reserves the right to waive such errors in its sole discretion. The City, however, has no obligation under any circumstances to waive such errors.

2.4 Contract Award by City Council

As soon as practical after opening the proposals, the name of the apparent successful proposer will be submitted to the City Council for final approval of award. If approved by the Council, the City/County Purchasing Division will provide the contract documents to the proposer. In the event the Council approval is not received within one hundred eighty days (180) calendar days after the opening of proposals, the proposer may request that it be released from consideration of the RFP.

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3. SCOPE FOR THE MWBE DISPARITY STUDY

3.1 General Scope

While the City is flexible with respect to certain elements of its proposed relationship with the Disparity Study proposer, the City has certain preferences for that relationship and has developed the following proposed model for that relationship. The Disparity Study requested by this RFP will be used to aid the City in evaluating and improving their current program. The results and recommendations will serve as a reference document in the creation of directives, standards and practices.

3.2 Overview

The City wishes to undertake all necessary and affirmative steps to ensure that M/WBE's are afforded opportunities to participate in City contracts. The City seeks a consultant or a team of consultants to conduct a disparity study that:

- a) Examines what, if any, barriers may be adversely affecting the participation of M/WBEs in contracts issued by the City;
- b) Identifies the availability of M/WBEs that are ready, willing, and able to do business with the City in the relevant market area(s), based on both business presence and headquarters;
- c) Analyzes the contracting and procurement data of the City to determine its respective utilization of M/WBEs;
- d) Determines the extent to which any identified disparities in the utilization of available M/WBEs by the City are attributable to discrimination;
- e) Recommends programs to remedy the effects of any discrimination identified, and to reduce or eliminate any other marketplace barriers that adversely affect the contract participation of such M/WBEs; and
- f) Identifies best practices for the policy recommendations on remediating any identified

disparities, as well as effective tools for developing MWBE capacity.

3.2.1 Winston-Salem Combined Statistical Area (CSA)

The target area of the study is the Winston-Salem/Greensboro/High Point Combined Statistical Area (Alamance, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties).

3.2.2 Determination

The successful proposer will (i) identify the availability of MWBE's that are ready, willing, and able to do business with the City, and (ii) ascertain whether a statistically significant disparity exists between the availability of ready, willing, and able M/WBEs and the utilization of such firms in the City's contracts (whether as prime contractors, subcontractors, or suppliers).

3.2.3 Under-Utilization of M/WBEs

If the analysis reveals an under-utilization of M/WBEs, the successful proposer will research and analyze the reasons for under-utilization. In analyzing M/WBE availability and utilization as outlined above, the successful proposer shall determine the extent to which:

- Under-utilization, if any, may be the result of discrimination by the City or discrimination existing within relevant industry (ies);
- Discriminatory practices exist within specific industries, trades, procurement, and service areas in the relevant geographic markets used by the City; and
- Any identified discriminatory practices impede or have impeded the ability for M/WBEs to compete for and participate in the City's contracts (whether as prime contractors or subcontractors).

If the successful proposer identifies statistically significant underutilization of M/WBE's, and of the successful proposer finds that such underutilization resulted, in part, from discrimination, the proposer will recommend remedial programs to mitigate the effects of any such identified discrimination. In recommending remedial programs, the proposer will assess the extent to which the effects of discrimination can be addressed through race and gender neutral means.

To the extent the proposer determines that neutral remedies alone will be insufficient to fully remedy the effects of identified discrimination, the proposer shall propose race and gender conscious remedies that are narrowly tailored to address the effects of discrimination.

The Proposer will also assess:

- The extent to which other barriers unrelated to race or gender may be adversely affecting contract participation by M/WBEs; and
- The efficacy of race and gender neutral policies and programs previously used by the City to address those identified neutral barriers.

Where appropriate, the proposer shall propose modifications and alternative policy and program approaches to address such barriers.

3.3 Specialized Requirements

- Determine the availability of minority and women businesses in the demographic area of Winston-Salem Combined Statistical Area along with any other relevant city market areas to consider. The proposer should address their ability to limit the study to these combined areas or identify what CSA must be considered.
- Conduct disparity analysis in the relevant market area.
- Identify revisions necessary to programs to address relevant legal requirements and recent court decisions based on the opinion of an attorney licensed to practice in the State of North Carolina.

- Analyze the contracting and procurement data of the City and conduct utilization analysis of minority, women and non-minority firms in the procurement of goods, services (general and professional), and construction.
- Analyze the utilization and availability data to determine if disparity continues to exist.
- Collect and analyze anecdotal information obtained from surveys, focus groups and /or City Council meetings.
- Provide detailed monthly progress reports to the City's designated program representative.
- Make recommendations for programmatic changes, including enhancements, if necessary, to include staffing.
- Prepare draft report and review with relevant project staff.
- Prepare final report and present findings to the Winston-Salem Mayor and City Council.

3.3.1 Specific Tasks

In order to provide the minimum deliverables as specified above, the successful proposer will be expected to perform, at a minimum, the tasks delineated below at appropriate points during the project. This list is not exhaustive. The successful proposer will be expected to perform all tasks necessary to provide the agreed upon deliverables, regardless of whether such tasks are on the list below.

1. Interview the City staff regarding the types of contracts and market areas covered by solicitations, advertising, and mailing.
2. Interview prime contractors, subcontractors, vendors, consultants, representatives of trade and professional associates.
3. Obtain and analyze any prior utilization studies that relates to the relevant market area, and to the extent possible reconcile or distinguish those studies with the current findings.
4. Interview the City's M/WBE Division staff and review their records for information regarding the number and identity of MWBEs.
5. Design and administer a survey of contractors, subcontractors, vendors, and consultants (by ethnic group and gender) as to the type of work, capacity and utilization on various types of contracts, reasons for levels of utilization, identification of any instances of discrimination (past or present), effects and sources of past or present discrimination, and interest in bidding on City contracts.
6. Interview representative minority and female contractors, subcontractors, vendors, consultants, and any other appropriate sources as to the utilization and factors affecting the utilization of minorities and females by prime contractors on private and public contracts with and without M/WBE contracting goals.
7. Interview current and former minority and female business owners, minority and female professionals, government officials, and others in the construction, maintenance, supplies, materials, and service industries as to any specific instances of discrimination in the various industries, which have had a discriminatory impact upon M/WBEs and their development.
8. Interview current and/or former non-minority and non-female prime contractors, subcontractors, vendors, and consultants as to extent of any disparity in the use of M/WBEs and the reason for these utilization levels.

9. Compile and analyze the growth in the Winston-Salem CSA of non-M/WBEs to M/WBEs for comparison.
10. Analyze any available judicial or administrative data as to allegations of discrimination made against contractors, subcontractors, vendors, consultants, and local government agencies.
11. Compile and analyze anecdotal evidence as it relates to conclusions regarding each of these tasks;
12. Assist the City, if necessary, in revising its existing M/WBE Program. Such assistance will include preparation of proposed program initiatives as well as assisting with any public hearings.

3.4 Coordination, documentation, and reporting

Coordination of all efforts, including meeting logistics, shall be considered the responsibility of the successful proposer. The proposer shall identify a project team to include a Project Manager who will be the point of contact between the proposer and the City. The Project Manager shall be available to the City for update and reviews on project progress.

3.5 Reports and documentation

The successful proposer will be required to prepare and submit the following documents to the City.

1. Monthly progress reports, or more often as needed by the City, shall include but is not limited to, the following:
 - a. Project schedule indicating progress for each task and deliverable;
 - b. All information, personnel, equipment, facilities and resources of the City that will be required for the proposer to perform the services for the subsequent month or time period indicated by the City;
 - c. Identify and summarize all risks and problems identified by the proposer, which may affect the performance of the services;
 - d. For each risk and problem, identify the action and person(s) responsible for mitigating risk and resolving the problem;
 - e. For each risk and problem identified, state the impact on the project schedule.
2. A draft final report and executive summary of the final report describing in detail the proposer's methodology and findings, meeting all requirements described in Section 3 of this RFP, and describing in detail the methodology utilized.
3. A final report and executive summary of the final report that meets the foregoing requirements and addresses any deficiencies or concerns raised by the City regarding the draft final report.

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3.6 The final report

The final report shall be:

1. Written in clear and concise language using consistent terms;
2. Easy to understand
3. Organized in a logical manner
4. Fully illustrated with relevant examples; and
5. Consistent with widely accepted methodology

3.7 Work product

The proposer shall further provide to the City all notes, work papers, records, and documentation that would be useful in defending the Disparity Study if the City is challenged in court. If the

proposer developed computerized databases in the course of the Disparity Study, the proposer will provide such computer databases to the City. Programs and data entry materials developed in connection with the Disparity Study must be compatible with any existing City systems.

3.8 Presentations

The proposer must be available to make periodic face-to-face presentations to the City, the governing bodies of the City and committees thereof, and public stakeholder groups to explain the Disparity Study methods, results, and reports.

3.9 Litigation

The proposer must be available to testify as an expert to defend and otherwise assist the City in any litigation that may occur because of programs adopted based on the disparity study.

3.10 Pricing

The City shall pay a fixed price as full and complete consideration for the satisfactory performance of all services required by the contract other than litigation support and other services. The amount of the purchase price referenced in this section constitutes the total fees, charges, and expenses payable to the proposer under the contract for everything other than litigation support and other services, and shall not be increased except by a written instrument duly executed by the City which states that it amends the contract. Proposers shall provide pricing based on the requirements and terms set forth in this RFP. Pricing must be all-inclusive and cover every aspect of the project. A cost proposal is provided in this RFP to assist you.

4. SELECTION PROCESS

4.1 Evaluation

As part of the evaluation process, the Evaluation Panel may engage in discussions with one or more proposer(s). Discussions might be held with an individual proposer to determine in greater detail the proposer's qualifications, to explore with the proposer the scope and nature of the required contractual Services, to learn the proposer's proposed method of performance and the relative utility of alternative methods, and to facilitate arriving at a Contract that will be satisfactory to the City.

An Evaluation Panel will evaluate proposals for quality, completeness, and price value to the City of Winston-Salem. Selection shall be made from all offers deemed to be fully qualified and best suited among those submitting proposals based on the evaluation of factors included in the RFP, including price. Price shall be considered, but need not be the sole determining factor. The Evaluation Panel may cancel this RFP or reject proposals at any time prior to an award and is not required to furnish a statement of the reason why a particular proposal was not deemed the most advantageous.

The City reserves the right, as part of the selection process, to request on-site (or virtual) demonstrations and/or presentations. In the event that such demonstrations or presentations take place, proposers will be selected for this process based on scores derived from the scoring matrix, which includes M/WBE participation, local availability, and all other applicable criteria. The scoring of the demonstration or presentation must be based upon the criteria from one or more of the original evaluation factors. After the demonstrations or presentations, each proposer will then be re-graded on the same criteria. The number of proposers chosen to take place in the demonstration/presentation process is subject to administrative discretion.

4.2 Evaluation Criteria

Below is a description of the evaluation criteria that will be used to evaluate the proposals. To be deemed responsive, it is important for the firm's proposal to contain appropriate detail to demonstrate satisfaction of each criterion and compliance with the performance provisions outlined in this RFP. The proposal will be the primary source of information used in the evaluation process. The proposal must contain information specifically related to the proposed services requested in

this RFP. Failure of any firm to submit information requested may result in the elimination of the proposal from future evaluation.

Major criteria to be considered in evaluation may include, but shall not necessarily be limited to:

- A. M/WBE Commitment-** Proposer’s efforts to comply with all the terms and conditions of the City of Winston-Salem’s Minority and Women–owned Business Enterprise (M/WBE) Program through the award of subcontracts.
- B. Distance from The City of Winston Salem-** Proposer’s business location/distance from the City of Winston Salem.
- C. Proposed Plan of Action/Methodology-** Proposers will be evaluated based upon their understanding, proposed plan of action based on the detailed requirements outlined in the RFP, and compliance with Section 3 of this RFP. Provide a detailed discussion of your firm’s approach to the successful implementation of this project. Include thorough discussions of methodologies you believe are essential to accomplishing this project. Include a proposed work schedule to accomplish all of the required tasks within the desired timeline. Identify the staff who would be assigned to each task, including sub-consultants.
- D. Qualifications and Experience-** Describe the firm and provide a statement of the firm’s qualifications for performing the requested consulting services including qualifications to provide the requested legal advice. Identify which services would be completed by your firm’s staff and those that would be provided by sub -consultants, if any. Proposers should submit at least three (3) references, for similar services performed within the past five (5) years, preferably with governmental entities.
- E. Relevant Consultant Organization-** Proposers should provide a summary of their technical expertise that describes their unique capabilities. The narrative should highlight the proposer’s ability to provide successful prior experience conducting disparity study analyses and include a description of the direct prior experience of your firm with other comparable governmental entities relating to disparity and policy analysis.
- F. Price-** The total cost of providing all the required services and/or additional cost needed to provide services that are not in the basic cost structure.

The following “Weighted Scale” will be used to evaluate each proposal

| | Criteria | Weight |
|-----------|--|---------------|
| A. | M/WBE Commitment | 20.00 |
| B | Distance from the City of Winston Salem | 20.00 |
| C. | Proposed Plan of Action/Methodology | 20.00 |
| D. | Qualifications and Experience | 20.00 |
| E. | Relevant Consultant Organization | 10.00 |
| F. | Price | 10.00 |

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