

RFP 19-084
ATTACHMENT H
SCOPE OF SERVICES

The purpose of this solicitation and resulting contractual services is to conduct a disparity study and statistical analysis of utilization based on total dollar contracts paid to Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) for the State and State Agencies, in compliance with the requirements set forth in IC 4-13-16.5-2 and Title 25 of Indiana Administrative Code (IAC), Article 5. The Statistical Analysis of Utilization Study (Study) will involve data for the period of July 1, 2013 through June 30, 2018.

25 IAC 5-2-1(13) defines an MBE as follows: “an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(A) United States citizens; and

(B) Members of a minority group.

(14) “Minority group” means the following:

(A) Blacks.

(B) American Indians.

(C) Hispanics.

(D) Asian Americans.

(E) Other similar minority groups as defined by 13 CFR 124.103

25 IAC 5-2-1(23) defines a WBE as follows: individual, partnership, corporation, limited liability Company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(A) United States citizens; and

(B) Whose gender is female.

Services to be provided:

1. To assess/evaluate the extent of utilization and availability of MBE's and WBE's as **prime contractors**, distinct from the assessment of subcontractors, in the procurement of construction, professional services, and goods and support services. The assessment and evaluation should discuss how the data from this study, and any other studies previously completed by the respective respondent, distinguishes between MBE and WBE prime contractors and subcontractors.

2. To assess/evaluate the utilization and availability of MBE's and WBE's as **subcontractors**, distinct from the assessment of primary contractors, in the procurement of construction, professional services, and goods and support services. The assessment and evaluation must discuss how the data from this study, and any other studies previously completed by the respective respondent, distinguishes between MBE and WBE prime contractors and subcontractors.

3. To utilize the State's **registered bidder list and** a custom census (of available businesses that are available to do business as a contractor for the State of Indiana, i.e. State of Indiana listing, Dunn and Bradstreet business listing, Mid-States Minority Supplier Development Council, National Association of Women Business Owners, State Educational Institutions, the Greater Indianapolis Chamber of Commerce, the Indy Black Chamber of Commerce, the Hispanic Business Council, the Indiana Asian Chamber of Commerce, the Asian Indian Chamber of Commerce, the Great Lakes Women's Business Council, the City of Indianapolis, the Indiana Department of Transportation, and any other relevant organization) basis as a starting point for total and MBE/WBE availability as well as a survey of registered bidders to assess the true availability according to *Richmond v. Croson*, 488 U.S. 469 (1989). To the extent that the State makes other adjustments using any sort of additional data, adjustments shall be made for both MBE/WBE and non-MBEs not currently listed on the State's list.
4. Determine and evaluate the availability of MBE and WBE firms in the State's regional geographic area for the types of procurement/contracting opportunities and activities during the base time period of the evaluation to include the thirteen (13) metropolitan statistical areas (U.S. Bureau of the Census) within the State of Indiana and regional statistical areas.
5. To assess/evaluate the size of the contractors and subcontractors on the utilization and availability of MBEs and WBEs as prime contractors and subcontractors in construction, professional services, and goods and support services contracts by state agencies.
6. To assess/evaluate the extent of availability of MBEs as prime contractors and subcontractors in construction, professional services, and goods and support services by state agencies, by focusing on both overall MBE availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups. Evaluate and discuss the issues and methods to properly certify MBEs by ethnicity and track such utilization.
7. Compare and evaluate the extent of M/WBE Division policies on utilization in procurement and contracting opportunities based on the impact of the State's MBE and WBE policies and programs, and the impact outside of such MBE/WBE policies and programs.
8. Investigate and describe prevailing practices in the public and private sectors that could lead to an underutilization of WBE and MBE. If an underutilization is found to exist, document from statistical analysis, survey, anecdotal, and such other relevant and appropriate evidence the extent to which the current utilization of MBE and WBE is reflecting past discrimination (active and/or passive) on the part of the State.
9. To examine, describe and analyze the effect of race and gender neutral strategies, measures and programs used by the State.

10. In addition to empirical evidence, assess any anecdotal and complaint-based discrimination. Anecdotal evidence may include accounts of discrimination or other barriers to obtaining bonding, insurance, and financing, which result in disparities in business formation, business opportunities and earnings. The Study should quantify the magnitude of any differences between availability and participation.
11. Conduct public hearings and informational meetings throughout the State at the request of the IDOA to present the findings and recommendations of the Study. These meetings can be but not limited to the Governor's M/WBE Commission, subcommittee meetings, or any other public forum and/or platform of IDOA's choosing.
12. To assess/evaluate the extent of availability of WBEs as prime contractors and subcontractors in construction, professional services, and goods and support services by state agencies, by focusing on both overall WBE availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups.
13. To assess/evaluate the extent of availability of MBEs, that are also WBEs, as prime contractors and subcontractors in construction, professional services, and goods and support services by state agencies, by focusing on both overall MBEs, that are also WBEs, availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups. Evaluate and discuss the issues and methods to properly certify MBEs that are also WBEs, by ethnicity and track such utilization. Under Indiana procurement law a business can only be considered as one certification type for each unique contract.

Specific work to be performed shall include:

1. Review and evaluate contracting and procurement policies and procedures of the State including MBE, WBE programs and race-neutral and gender-neutral programs.
2. Define and categorize ready, willing, and able MBE/WBEs for each market sector as prime contractors and subcontractors in construction, professional services, and goods and support services and regions of the State. Define how the UNSPSC codes play a role in the vendor selection process.
3. Evaluate the information systems used by the State, and provide professional recommendations as to how to improve the systems so that they provide data that allows the State to monitor the progress toward and/or support the updating of the MBE/WBE goals.
4. Describe incentives the State may use to achieve MBE/WBE utilization goals. Explain if your company made similar recommendations to other states or similar

organizations and how these incentives have been implemented. In addition, explain if implemented recommendations were successful and how.

5. For each region of the State and within the relevant market sector(s), develop a business demographics profile showing the number of ready, willing, and able firms owned by non-minorities, women, minorities (broken down by minority group), non-minority women and minority (broken down by minority group) women, with the percentage of the total number of firms that each group represents.
6. Determine the extent to which any identified disparities in the utilization of available M/WBEs by the State are attributable to discrimination.
7. Provide the State with summary findings and key decision points during the process to assure that the requirements of the study are being met. Key findings and progress reports will also ensure that the State receive timely information of any consequential conclusions or problem areas that may need to be addressed, including any adjustment to the scope of work that may be necessary.

Expected Products

The Vendor shall produce the following products:

1. Timeline of the Study and monthly progress reports. The Vendor shall provide the timeline of the Study and the progress reports on a monthly basis, the Vendor shall provide IDOA with a written report of the progress it has made toward completing its work plan. IDOA may require supporting documentation to verify progress.
2. Formal written report of evaluation and studies prepared consistently with the terms of this Scope of Services. The Vendor shall produce a formal written report of its evaluation and studies covering all tasks in this Scope of Work. The report shall explain Vendor's methodology and approach to the conduct of the evaluation and studies in addition to presenting its findings, conclusions, and recommendations.
3. A formal written report should contain the recommendations and formula to help establish a new five year goal for the MBE and WBE participation in the procurement of construction, professional services, and goods and support services.
4. Graphic illustrations are desired where their use would clarify and illustrate findings and conclusions, but the text of the report must explain the findings and conclusions reached. The full final report will be presented as well as an executive summary. The chosen vendor shall provide the IDOA with twenty (20) copies of the final report and executive summary. The final report and executive summary will also be provided in both electronic format using the Microsoft Word 2000 platform and on compact disk. Vendor will furnish twenty (20) duplicate CD-ROM for appropriate dissemination to IDOA.
5. The chosen vendor will retain all the raw data collected until otherwise instructed by

the State in the event that the State would later require an additional analysis of the data should its program be challenged. The chosen Vendor shall submit all raw and analyzed data to IDOA upon request.