



Cover Memorandum/Staff Report

File #: 24-1384

Agenda Date: 10/15/2024

Item #: 6.C.

TO: Mayor and Commissioners
FROM: Jeffrey L. Oris, CEcD, Assistant City Manager
THROUGH: Terrence R. Moore, ICMA-CM
DATE: October 15, 2024

APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING DISPARITY STUDY CONSULTING SERVICES.

Recommended Action:

Consider a motion to approve the Interlocal Agreement between the City of Delray Beach and Delray Beach Community Redevelopment Agency for Funding Disparity Study Consulting Services.

Background:

In January 2023, the City entered into an agreement with Keen Independent Research to prepare a Disparity Study. This study is designed to determine if there is a disparity in the awarding of agreements for the purchase of goods and services between minority-owned and woman-owned businesses and majority male-owned businesses. Further, if disparities are found, the study will include recommendations on ways to potentially mitigate and/or reduce any such disparity. At the time of the procurement of Keen Independent Research's services, the CRA was concerned about participating in the study research.

In May 2024, a public input meeting was held at the Delray Beach Golf Club as one of the last activities prior to the final analysis and completion of a draft deliverable. During this meeting, a number of members of the public enquired as to the CRA's adherence to any potential recommendations of the Study. As the CRA is required to follow the same procurement process as the City by Section 163.370 (5), Florida Statutes which reads "A community redevelopment agency shall procure all commodities and services under the same purchasing processes and requirements that apply to the county or municipality that created the agency". Thus, if the City adopted any measures to reduce any found disparity, the CRA would need to utilize these measures, however, the Study analyzed only City procurements, not CRA procurements. This could leave the CRA open to legal action if it were forced to use any adopted disparity mitigating measures that may be adopted by the City. Keen Independent Research did a cursory review of the CRA's procurements during the study period and opined that the best course of action to protect the CRA would be to analyze and include these CRA procurements into the City's study as a joint City/CRA study.

This interlocal agreement will allow the CRA's procurement data to be incorporated into the data for the City with the CRA agreeing to pay \$50,000.00 towards their portion of overall costs for the study (additional costs for updating the Draft Study Report and a portion of costs for other phases already undertaken). Keen Independent has submitted a proposed amendment to their agreement to allow for the additional analysis and changes to the data in the Draft Report to include all related CRA data

and information. This proposal is for an additional \$6,181.00 which will be put to the Commission for approval as a separate item on the October 15, 2024 agenda.

If the ILA and subsequent Amendment to the agreement with Keen Independent Research are approved, it is anticipated Keen will submit a Final Draft Report to staff for review by December 2024 with an anticipated review by the City Commission at a workshop in January 2025.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact: Including the CRA data in the Disparity Study Report will cost an additional \$6,181.00 which will need to be funded through GL#001-11-000-511.31.90. Additional funding may need to be added to this account via budget amendment at a later date.

The CRA will, via this ILA, reimburse the City for a total of \$50,000 of the total cost of the study, \$248,537.00 (including the amendment).

Timing of Request:

The Draft Disparity Report is 95% complete and is awaiting approval of this ILA and the Amendment to the agreement with Keen so it can be finalized and presented to the CRA Board and City Commission.