



## Cover Memorandum/Staff Report

**File #:** 21-869

**Agenda Date:** 10/19/2021

**Item #:** 7.A

**TO:** Mayor and Commissioners  
**THROUGH:** Sara Maxfield, Economic Development Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** October 19, 2021

APPROVAL OF RESOLUTION NO.123-21 TO AWARD AN AGREEMENT WITH MILLER3 CONSULTING INC., FOR DISPARITY STUDY CONSULTING SERVICES PURSUANT TO RFP NO. 2021-015 - \$292,125

### **Recommended Action:**

Motion to approve Resolution No. 123-21 to award an Agreement with Miller3 Consulting Inc. for Disparity Study Consulting Services pursuant to Request for Proposals (RFP) No. 2021-015 in the amount of \$292,125.

### **Background:**

During the Fiscal Year 2021 budget process, the City of Delray Beach (City) Commission (Commission) directed the commissioning of a Disparity Study to review the City's purchasing practices. The Commission appropriated funding for this effort, with 20% of the final cost to be a contribution from the Community Redevelopment Agency (CRA).

The goal of a disparity study is to determine if a significant statistical disparity exists between the percentages of ready and available women and minority contractors in the City's market and the percentages of contract dollars awarded to such firms by the City. The results of the study can be used to guide the City in the creation of policies or programs to address any disparities found. Should this recommendation for contract award be approved, the services to be provided shall include the study findings as well as remedies for the City's consideration to address the findings. Programs and policies may include both race and gender-neutral policies and programs as well as narrowly tailored race and gender preference programs.

### **Procurement Background**

On February 5, 2021, based upon the aforementioned direction, the City of Delray Beach (City) advertised a full and open Request for Proposals (RFP) No. 2021-015 for Disparity Study Consulting Services. This RFP was advertised on the City's website utilizing its electronic procurement platform, BidSync. This electronic procurement platform promotes transparency and enables the City to cast a wide net inviting all interested parties of potential bid opportunities and to actively participate in the City's procurement process. As a result of the advertisement, the City received three (3) submittals pursuant to the RFP. In accordance with City policy, a Selection Committee (Committee) was established to review and score the proposals based on the solicitation evaluation criteria, as summarized further below. The committee was comprised of the Police Chief, Neighborhood and Community Services Director, Assistant City Attorney, Public Works Director, Assistant City Manager,

and a non-voting Technical Advisor from the Palm Beach County Office of Equal Business Opportunity. The Committee reviewed and evaluated two (2) responsive proposals submitted by MGT of America Consulting and Miller3 Consulting, Inc. On April 9, 2021, the Selection Committee held interviews with the two firms.

The final scores are listed below along with initial price proposal figures

| Firm                      | Final Score | Initial Price Offered |
|---------------------------|-------------|-----------------------|
| MGT of America Consulting | 455         | \$342,085             |
| Miller3 Consulting, Inc.  | 477         | \$298,400             |

The Selection Committee recommended award of the RFP to Miller3 Consulting, Inc. as the highest ranked firm for the negotiated amount of \$292,125. The Purchasing Department conducted a review of the prices offered in comparison to other jurisdictions' cost for similar services. The results of this review demonstrated that the prices offered are deemed fair and reasonable. The Agreement term will be from the date of full execution through the completion of work and full acceptance by the City.

**Responsibility Determination:**

In coordination with the City Attorney's Office, the following due diligence tasks were performed to review the responsibility of the recommended vendor:

- Experience demonstrated:
  - Miller3 Consulting, Inc, has performed over 135 availability, utilization, and disparity studies, including 28 in Florida, some of which are enumerated below.
  - Florida Municipality Studies - City of Tampa (1990, 2001), City of St. Petersburg (1990), City of Jacksonville (1990, 1992)
  - South Florida Studies - Palm Beach County School Board (2004, 2016), Broward County School Board (1998, 2010), Miami-Dade County School Board (1990, 2018, 2019-2020 - ongoing), Broward College (2010)
  - Other Florida Studies - Orange County (1993, 2000), Duval County (1990), Duval County Schools (1990), Jacksonville Port Authority (1990, 1992), State of Florida/42 agencies (1997), Hillsborough County (1989 first disparity study conducted in the United States)
  - Other studies nationwide - City of Philadelphia (1998, 2004, 2020), City of New York (2009, 2012), Portsmouth Public Schools, VA (2019), San Francisco Bay Area Rapid Transit (2017)
- Reference checks were performed and deemed satisfactory
- Legal research was performed to ensure no pending litigation with the firm

Disparity Study Services: Pursuant to the attached agreement and proposal, the services to be rendered include but are not limited to the following services:

1. Legal analysis
2. Procurement and M/WBE culture and systems analysis
3. Data collection
4. Relevant market analysis
5. Availability analysis

6. Utilization analysis
  - Public informational session and public hearing
7. Disparity analysis and statistical significance
8. Capacity analysis
9. Anecdotal and survey analysis
10. Private sector analysis
11. Analysis of race/gender-neutral initiatives
12. Draft final report (to include sample ordinances/policies for consideration)
13. Final report
14. Post-study support (legal and expert witness services should there be a challenge). Per the firm, no Miller3 consulting study has ever been overturned and no Miller3 consulting study has been challenged since 1997.

Additional details regarding each task are provided on the following pages (from the recommended vendor's proposal). These task details are enumerated on pages 38-42 on the proposal attached to this agenda item.

This motion is in accordance with Code of Ordinances Chapter 36 Commission Approval Required.

**City Attorney Review:**

Approved as to legal form and legal sufficiency

**Funding Source:**

001-12-000-512.31-90

Following approval, the City anticipates entering an Interlocal Agreement with the Community Redevelopment Agency to fund 20% of the total project cost (\$58,425). This agreement will come before commission for final approval.

**Attachments:**

Legal Review Checklist

Resolution No. 123-21

Agreement

Miller 3 Consulting, Inc. Proposal