



Legislation Text

File #: 0075-2017, **Version:** 1

BACKGROUND: This legislation authorizes the Director of the Office of Diversity and Inclusion (ODI) to enter into a contract for a disparity study. The disparity study will analyze city procurement operations to determine whether there is a disparity between the availability of minority and women-owned business enterprises (MBE/WBEs) and the city's utilization of those businesses. The courts have made it clear that in order to implement a race- and gender-based program that is effective, enforceable, and legally defensible, the city must meet the judicial test of constitutional strict scrutiny in order to determine the legality of such initiatives. Strict scrutiny requires current strong evidence of the persistence of discrimination, and narrowly tailored measures to remedy that discrimination. The last disparity study was conducted over a decade ago and Columbus has seen a tremendous amount of growth since then. The findings of this study will guide and inform ODI's work to ensure fairness, equity, and inclusion in the city's procurement practices.

RFP Information: RFQ002943 for the Disparity Study Request for Proposals was published on September 19, 2016 with responses due on October 28, 2016. The city received seven (7) responses.

Mason Tillman Associates, Ltd.	Vendor #019304
BBC Research & Consulting	-
Keen Independent Research	Vendor #019498
MGT America Consulting, LLC	-
Griffin & Strong P.C.	Vendor #009488
Miller3Consulting, Inc.	Vendor #019606
Measurement Resources Company	Vendor #008232

An evaluation committee of five (5) members independently scored the responses. The evaluation committee consisted of representatives from the Office of Diversity and Inclusion, Department of Public Service, Department of Public Utilities, an MBE Firm, and a WBE firm. Based on the initial scoring, the committee selected four (4) companies/firms for further consideration. Invitations for presentations were sent to these companies/firms on November 17, 2016 with specific questions to be answered in their presentations. Three of the presentations took place on December 1, 2016 and one on December 2, 2016. At the conclusion of the presentation on December 2nd, the committee had the opportunity to revise their scores based on the presentations and discussion among the committee members. The committee report was sent to the Office of Diversity and Inclusion on December 5, 2016. The final committee scoring resulted in a tie for the highest ranked offer between two (2) companies/firms, Mason Tillman Associates, Ltd. and Keen Independent Research. All committee members voiced that they would be supportive in the City contracting with either one of these companies/firms. Mason Tillman Associates, Ltd. scored slightly better on Quality/Feasibility and Competence. Keen Independent Research scored slightly higher on Ability and Past Performance. Note that pricing was not a consideration in the scoring by the committee. After review of the evaluation committee's work, the ODI Director recommends acceptance of the proposal submitted by Mason Tillman Associates, Ltd. The methodology, approach, and experience with cities in Ohio were deciding factors in the final decision. The negotiated price for the disparity was acceptable and within the budgetary range for a comprehensive disparity study.

Additionally, Mason Tillman Associates, Ltd is a nationally recognized African American woman owned consulting firm

that has conducted disparity studies for numerous cities including the cities of Cincinnati, Cleveland, Dallas, Indianapolis, Knoxville, New York, Oakland, Pittsburgh, Portland, Richmond, Seattle, St. Louis, and Tampa among others. They have conducted more than 134 studies which represent roughly 30 percent of the disparity studies completed since *Croson* was decided on January 23, 1989. Not a single disparity study or M/WBE Program predicated on a Mason Tillman disparity study has been challenged. Finally, the availability analysis method praised by the Seventh Circuit will be used by Mason Tillman to produce the disparity study for the City of Columbus.

Final Rankings	Ranking	Score
Mason Tillman Associates, Ltd.	1	366
Keen Independent Research	1	366
BBC Research & Consulting	2	341
Griffin & Strong P.C.	3	336
MGT America Consulting, LLC	4	325
Miller 3 Consulting, Inc.	5	281
Measurement Resources Company	6	264

FISCAL IMPACT: Funding in the amount of \$468,000 was identified in the 2016 operating budget to conduct a disparity study and is available on Auditor's Certificate ACPO001017 pursuant to Ordinance Number 2805-2016. Of this budgeted amount, this ordinance authorizes the expenditure of \$435,275.00.

To authorize and direct the Director of the Office of Diversity and Inclusion to enter into contract with Mason Tillman Associates, Ltd. for the implementation of a disparity study; to authorize the expenditure of \$435,275.00 from the General Fund pursuant to an existing Auditor's Certificate. (\$435,275.00)

WHEREAS, there is a need to have a disparity study conducted for the City of Columbus; and

WHEREAS, the Office of Diversity and Inclusion advertised and solicited formal bids; and

WHEREAS, after review of said bids, the Director of the Office of Diversity and Inclusion recommended acceptance of the proposal submitted by Mason Tillman Associates, Ltd.; and

WHEREAS, this ordinance addresses the purchasing objectives of 1) maximizing the use of city resources by obtaining optimal products/services at low prices, 2) encouraging economic development by improving access to city bid opportunities, and 3) providing effective option contracts for city agencies to efficiently maintain their supply chain and service to the public; and

WHEREAS, it has become necessary in the usual daily operation of the Office of Diversity and Inclusion to authorize the Director to enter into contract with Mason Tillman Associates, Ltd; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Office of Diversity and Inclusion is hereby authorized to enter into a contract in the amount of \$435,275.00 for a disparity study with Mason Tillman Associates, Ltd. in accordance with solicitation RFQ002943 for the term expiring one (1) year from contract execution. The contract may be extended for up to one additional year, subject to mutual agreement by both parties.

SECTION 2. That, for the purpose stated in Section 1, the Director of the Office of Diversity and Inclusion is authorized to spend up to \$435,275.00 from existing ACPO001017, established by Ordinance Number 2805-2016.

SECTION 3. That the City Auditor is authorized to make any accounting changes necessary to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.