

Answers to Questions Received for the Disparity Study RFP

As outlined in the RFP, questions received before Monday, October 16 at noon are answered below.

For reference, the Disparity Study RFP can be found here:

<https://www.boston.gov/news/request-proposals-released-city-boston-disparity-study>

Logistics and Process

- Will there be a conference call line or video conference line for the Proposers' Conference, scheduled for Wednesday, October 25 at 2:30 pm?

Yes, we will have a conference call line.

Call Line: 877-366-0711

Participant Access Code: 21039087

- Typically, a disparity study focuses on four or five years of contracting (i.e., the *study period*). Does the City have any guidance on how long it would like the study period to be and what years it would like the study period to cover?

During Phase I, the consultant will recommend the study period that best aligns with the City's goals and objectives for the Disparity Study. The consultant will work with the City to design a successful Study that meets the City's needs as described in the RFP.

- Just to confirm, is it the City's intention to award both phases of the project to the same consultant? If not, does conducting Phase I of the project preclude the consultant from also conducting Phase II of the project?

Yes, the City intends to award the contract to the same consultant for Phase I and Phase II. Should the City choose not to proceed with Phase II, the City reserves the right to issue a new RFP for Phase II.

- On page 5, it states the price proposal and technical proposal must be submitted in two separate sealed envelopes. Is it permissible for the 2 separately sealed envelopes to be included in the same shipping container?

Also, should the technical proposal and copies be bound in any way, i.e. in a 3-ring binder?

Yes, it is permissible to include both separately sealed envelopes in the same shipping container. The contents of each envelope must not be visible from the outside. Proposers should feel free to bind a copy, but we will need to have at least one unbound copy for the review committee to make additional copies.

- The RFP does not specify what fiscal years have been identified for analysis during Phase 1 of the Study, has that been pre-determined or will it be finalized after selection of the consultant?

During Phase I, the consultant will recommend the study period that best aligns with the City's goals and objectives for the Disparity Study. The consultant will work with the City to design a successful Study that meets the City's needs as described in the RFP.

- In the RFP Introduction, it states that the City will decide upon conclusion on Phase 1 whether to proceed with Phase 2. However, it also makes note of Phase 2 of the Disparity Study being procured under M.G.L. Chapter 30Bm section 6. Will the two phases be bid separately? Or will the City decide after completion of Phase 1 whether to continue the study with the selected consultant.

This RFP is for Phase I and Phase II of the Disparity Study. The City will decide after the completion of Phase I whether to continue the study with the selected consultant.

- Under Section 2.4 Prime Contractor, if prime contractor is a law firm itself, is it necessary for it to bring in a local law firm?

No.

- Under Section 2.5 Proposals in this area are typically indicated as trade secrets in total. How will these proposals be protected from exposure to competitors?

Under the Massachusetts Public Records Law, after the contract has been awarded, all proposals will be considered public records subject to disclosure. The proposals are not exempt from disclosure and will be made available upon request.

- Under Section 6.2 Timing – Four months is not a reasonable time period to assess data, collect data and conduct availability and utilization analysis. May the consultant propose a more realistic time period.

No. Phase I of the Disparity Study is intended to include a scan of available data sources based on the business or workforce related data that the City possesses and that are otherwise available. The consultant is not expected to provide complete analyses of data within Phase I.

- Would you consider a one phase approach to save time and money?

No.

Response Clarifications

- Page 7 of the RFP states, “No additional charges, including travel and other expenses, will be allowed.” Should proposers interpret this statement to mean that no additional charges including travel and other direct expenses will be reimbursed as part of the study beyond the hourly rates and fixed price that we propose as part of Appendix B?

Yes.

- Page 7 of the RFP indicates that the proposal (excluding appendix) should not exceed 50 pages. Does that 50 page limit include cover, title, dividers, table of contents, etc.?

The narrative, excluding the appendices, should not exceed 50 pages.

- The Price Proposal instructions on page 6 indicate that “The Price Proposal must conform to the format and requested information detailed in Appendix B Price form”. Would it be acceptable for offerors to modify Appendix B to a minor degree in order to fit all relevant information? For example, can offerors expand the first column in order to fit long position titles?

Proposers may expand columns to fit in responsive information. However, proposers may not create new categories of information or fail to respond to the categories of information requested. Deviations from the categories of information requested will subject the proposal to rejection.

- The RFP ends on page 22 with the title “Appendix D: List of Positions”. Is any part of the RFP missing or can we disregard this Appendix D title?

This section refers to this section on page 20. “2. The selected Offeror shall be available for additional consulting services directly related to this RFP, at the City’s sole discretion, at the hourly rates provided in response to this RFP, and pursuant to a contract amendment, additional statement of work, or purchase order, as applicable and as permitted by law. If there are additional positions and hourly rates that are applicable to such work, Offeror may include such additional information in the price proposal, columns D and E.”

- Where can we locate the standard contract forms listed on pages 20-21?

The forms are available on the City of Boston website, below the RFP:

<https://www.boston.gov/news/request-proposals-released-city-boston-disparity-study>

- On page 7, item 3, Required Format and Proposal Checklist, please clarify the 50-page limit. Does this mean 50 single sheets printed on one side or both sides, or 25 single sheets printed on both sides? Is the Cover Letter included in the page limit?

The narrative should not exceed 50 single-sided pages or 25 double-sided pages. The cover letter is not included in the page count.

- Also on page 7, item 3, it stays that Appendix items are not included in the page limit. Please clarify which items are considered appendix items.

Appendices should be considered the sections labeled “Appendix” or the standardized forms for submission with the RFP response.

- Are resumes included in the 50-page limit?

Documents submitted as part of an appendix are not part of the narrative of the proposal and are excluded from the 50 page limit.

- In Form CM06-Certificate of Authority, a reference is made to a performance bond. Is a performance bond required for this project?

No.

- On page 15, item 4 Offeror Experience, it says to describe experience performing financial consulting engagements for municipal entities, etc. This doesn't apply to the scope of services for a disparity study. Please clarify.

Performing financial consulting engagements for municipal entities does apply to the Disparity Study. The City expects to see prior experience conducting a disparity study or similar contract-related and/or workforce analyses.

- Also on page 15, regarding client references, one of the items requested for a reference is number of employees and population. Please clarify this request.

"Number of employees" refers to the number of employees who work for the client reference. Population refers to the population of a municipality, county, state, or other such entity. Population should only be included if the client reference is a governmental entity.

- Under the terms of service, the contract length is stated as two years, however Phase 1 is scheduled for delivery within 4 months. If the contract is to be re-bid after completion of Phase 1, how will the two-year contract length be honored?

The contract term is two years to allow for contingencies. The contract will not necessarily be re-bid after the completion of Phase I. In the event that the City decides in its sole discretion to proceed with Phase II, the expected time frame for delivery of Phase II is 12 months. Once the work is complete to the satisfaction of the City (either when the work is complete for Phase I and the City decides not to proceed with Phase II, or the work is complete under Phase I and Phase II), no more work will be required under the contract and no payment for additional work will be made.

- Under Section 2.13 What is the desired time for completion of services? Is a shorter period more advantageous in the evaluation process?

The desired time for completion of the services is 4 months for Phase I and, should the City decide in its sole discretion to proceed with Phase II, 12 months for Phase II. The evaluation criteria are listed in the RFP.

- Under Section 4.1 it states that this RFP is only for Phase I. Is this incorrect? Are we to propose and price for both phases?

Yes, that sentence is in error. This RFP is for Phase I and Phase II. Please disregard that sentence.

- Under Section 4.1.5 Recommendations – we are to assess the costs and difficulty of studying each Section 2.1(a)-2.1 (de) of this RFP. Please state where those sections are.

Please disregard this reference.

- Under 4.1.21.1.6 Phase II: Disparity Study Legal Review and Analysis is typically the first thing so that we can properly determine the courts' direction and should be undertaken in Phase I. Can that be changed?

No. An understanding of the legal framework applicable to disparity studies in general is needed for the successful proposer to complete Phase I and Phase II. The full legal analysis applicable to the data gathered will be completed during Phase II, should the City decide to proceed with Phase II.

- Under Section 5.5 Project Plan the last two bullet points do not seem to apply. The same is true in 5.6.

There are no bullet points in Section 5.6. In Section 5.5 Project Plan, the second bullet point should be read as ending with the word "work." The third bullet point should be read as ending with the word "available."

- Cost proposal Implementation Support would not have estimated hours. Can that be left blank?

Yes, this section may be left blank.

- Please confirm the forms listed in the RFP appendices are not included in the maximum 50 pages allowed for the Technical Proposal.

Confirmed.

- What is a Covered Vendor?

As outlined in the Living Wage form (LW-8), "[a]ny for-profit or any not-for-profit vendor who employs at least 25 full-time equivalents (FTEs) who has been awarded a service

contract of \$25,000 or more from the City of Boston must comply with the provisions of the Boston Jobs and Living Wage Ordinance which requires any such vendors to pay at least the living wage which is \$14.41 per hour to any employee who directly expends his or her time on the services set out in the contract. All subcontractors whose subcontracts are at least \$25,000 are also required to pay the living wage.” Proposers should review LW-8 to determine eligibility and if applicable, fill out LW-2.

- What is the City’s budget for this engagement?

The City is expecting guidance from the consultant on what a reasonable budget for this project would be.

- Phase II may be expanded to include “other Massachusetts-based government and quasi-governmental authorities.” Will you provide a list of these agencies or at minimum the total number of agencies?

The inclusion of 4-5 agencies that identify and serve greater Boston’s marketplace may be included in Phase II.

Data/Content

- Regarding Task 4.1.4, Data Collection that is described on page 13 of the RFP, will the City help facilitate data collection of workforce participation hours from the Boston Residents Jobs Policy Office?

Yes.

- Could the City please provide a detailed description of the data that the Boston Residents Jobs Policy Office maintains on workforce participation hours?

The City of Boston/Boston Residents Jobs Policy Office actively tracks the number of work hours performed by Boston residents, people of color, and women as well as all hours worked overall by individual workers on City covered projects. This information allows the staff to track various metrics i.e workforce percentages of every project/contractor, work hours by trade, number of Boston residents employed.

- For what City projects does the Boston Residents Jobs Policy Office maintain workforce participation data?

City funded projects - (public works, department of neighborhood development, public facilities department, Parks Department, Traffic/Transportation) and developmental impact projects (DIPs) which are private projects that are 100,000 sq. ft. or above.

- Does the Boston Residents Jobs Policy Office maintain workforce participation data for all workers; only minority- and woman-owned workers; or some combination?

All workers.

- What specific data does the Boston Residents Jobs Policy Office maintain on individual workers?

The Boston Resident Jobs Policy Office maintains workforce information for all workers including residential addresses, race/ethnicity, gender, trade (i.e carpenter/laborer), company affiliation.

- Does the City maintain the following data for all relevant prime contracts and all subcontracts awarded during the study period (specifically, all subcontracts awarded to minority- and women-owned businesses *and* subcontracts awarded to non-minority- and women-owned businesses):

Contracts are executed by the awarding authority and the prime contractor. Thus, awarding authorities would have all relevant information between them and the prime contractor. The City maintains financial data for prime contracts through our financial system.

The construction unit tracks subcontract data only on construction contracts for minority and women-owned as well as non-minority and women-owned businesses.

- A. Contractor name and contact information (e.g., address and phone number)? *Prime yes, construction subcontract yes*
- B. Contract date (prime contract only)? *Yes.*
- C. Work description? *If “work description” means scope of work then yes.*
- D. Funding source (e.g., federal funding or state/local funding)? *Yes.*
- E. Original contract award or budgeted amounts? *Yes*
- F. Paid-to-date amounts? *Yes.*

G. Change order or amendment amounts? Yes.

- Are those data maintained electronically, in hard copy, or some combination?
Data is maintained in a combination of hard copies and electronic files.

- Did the City use any race- or gender-conscious programs (for example, M/WBE contracting goals) as part of awarding any contracts during the study period? If so, please describe during which years of the study period the City used such measures and on what types of contracts.

No, with the exception of affirmative outreach and targeted vending based on the Mayor's 2016 executive order Promoting Equity in Public Procurement.

- Page 19 of the RFP indicates that the City would like to conduct Phase I of the project in four months and Phase II in 12 months. Phase I includes an availability analysis, which typically takes much longer than four months to conduct accurately and in a manner that is consistent with relevant legal standards. Would the City consider the following organization of tasks (or something like it) to better correspond with the required timelines:

Phase I (4 months):

- Legal review and assessment
- Data assessment/utilization scan and data collection
- Review of procurement policies, practice, and procedures
- Utilization analysis
- Relevant geographic market area
- Recommendations

Phase II (12 months):

- Workforce analysis
- Marketplace analyses (public and private sector)
- Anecdotal evidence
- Availability analysis
- Disparity analysis
- Recommendations
- Disparity study report

Phase I of the Disparity Study is intended to include a scan of available data sources based on the business or workforce related data that the City possesses and that are otherwise available. The consultant is not expected to provide complete analyses of data within Phase I.

- Does the City of Boston currently have a workforce program? If so, is data regarding current workforce availability maintained by the City?

The City of Boston maintains a Jobs Bank which identifies and places job-seekers in the construction industry.

- In the Introduction of the RFP, it is stated that during the Phase 1 “Utilization Scan”, the consultant is responsible for identifying “data sources relevant to the overall study”. However, under the scope of services on page 12, the City lists recommended offices for data collection. Does the City of Boston maintain any current data on workforce availability or MWBE business utilization/availability necessary for this study analysis?

Yes.

- Does the city of Boston maintain data on all subcontractor utilization (both MWBE and Non-MWBE)?

There is limited data available on MWBE and non-MWBE subcontractor utilization.

- Under the Section 4 Scope of Work the tasks in Phase II seem to be duplicative of the tasks in Phase I, in particular a second data collection process, which may necessitate a new availability/utilization analysis. Please clarify.

Phase II may include an expanded data set and thus require an expanded analysis of availability and utilization.

- The Scope of Work for Phase I is unclear. Under Section 1 it appears that consultant is being asked to provide a design of the disparity study after reviewing all of the data, but the Section 4 scope of work and requirement for a price proposal indicate full data collection and analysis. Please clarify the purposes of Phase I.

Phase I will result in a review of available data sources managed by the City of Boston and proposed recommendations for the design of a disparity study.

- Please explain how prime expenditure data are maintained for the city of Boston (City).

The City of Boston utilizes BAIS Financials to maintain prime contractor data.

- Are the expenditure data maintained in a centralized digital system? If not, please explain where and how data is maintained?

The data for prime contracts is maintained in BAIS. For subcontractors on construction based contracts, it is tracked through paper forms.

- Please clarify how NAICS, NIGP, and the Category Index List are used by the City for both prime contract and subcontract expenditure and award transactions. Do non-SLBE firms register with the City and identify their appropriate codes?

The City does not utilize codes for subcontract expenditure. When businesses register in the City of Boston Supplier Portal, businesses have the option of identifying themselves through UNSCP code United Nations Standard Products and Services Code. Procurement professionals also have the option to search by UNSCP code in BAIS for vendors that fit their description.

- Please explain how subcontract data are maintained.
 - Are subcontract award and/or expenditure data centralized or decentralized?

Subcontract data for construction is centralized within the construction unit.

- Please explain how the data are maintained, such as in contract files, contract management system, scanned documents, etc.

The construction unit maintains information in their contract files and Excel.

- Does the City maintain information on Bidders/Respondents to RFPs/RFQs?

Yes.

- Does the City track the race/ethnicity and gender classifications of prime and sub vendors? Registered vendors? Bidders/Respondents to RFPs/RFQs? Prime contractors/consultants? Subcontractors/Subconsultants?

This information is not tracked in a standard practice.

- Does the City have current SLBE goals for City? Are they specific to business categories?

The City does not currently have numerical goals for SLBEs.

- Is there an SLBE participation goal for this engagement?

Utilization of small and local businesses and MWBEs is strongly encouraged.

- For construction and large City-assisted construction projects how are “actual hours of employment” maintained for qualified female and minority workers? Do you use software, i.e. LCP Tracker, etc.?

Every Contractor is provided an excel spreadsheet to fill out for each week of work performed. The general contractor collects the spreadsheet from each subcontractor on a weekly basis - the general contractor sends in (emails) all spreadsheets to BRJP data entry staff and each payroll is uploaded into a microsoft access database.

- Has the City conducted previous disparity studies and if so, would you provide the most recent study conducted?

Yes, data related to the most relevant study will be provided to the selected consultant.