



**LAURA CURRAN**  
NASSAU COUNTY EXECUTIVE

## **REQUEST FOR EXPRESSIONS OF INTEREST (RFEI)**

### **Disparity Study & Consultant Services Regarding the Availability, Utilization and Future Capacity of Minority & Women Business Enterprises and Service-Disabled Veteran-Owned Businesses In Nassau County**

**June 20, 2019**

RFEI Number: MA0618-1932





Dear Potential Respondent:

It is my pleasure to invite responses to this Request for Expressions of Interest (RFEI) for a Disparity Study and Consultant Services regarding Minority-Owned, Women-Owned, and Service-Disabled Veteran-Owned Business Enterprises ("MWBE/SDVOB") availability, utilization and future capacity in Nassau County. **This RFEI is a precursor to a full RFP for a Disparity Study and Consultant Services which the County intends to issue later this summer.**

My Administration is **committed to opening doors and creating opportunities** for all residents to participate in County government. Our efforts have been wide-ranging, including: stepped-up activity by our Office of Minority Affairs ("OMA") to engage MWBEs and SDVOBs through direct outreach; partnerships like Ascend Long Island and vendor forums; a new County Wide Language Access Action Plan; expanded and improved efforts to include our growing Hispanic and Asian communities in County services and opportunities through a revitalized Office of Hispanic Affairs and first-ever County Office of Asian American Affairs; and establishment of a robust County-wide outreach plan for Census 2020.

In the area of County contracting, we have eliminated a \$125 fee for vendors seeking to do business with Nassau County, which had been a barrier to entry for MWBEs and other small businesses and launched a platform to ensure that all County agencies comply with MWBE policies. Our data collection, procurement protocols and outreach efforts continue to improve as we build our system's capacity.

**We are just getting started.**

We want our Nassau County based MWBE/SDVOB businesses to be successful, and we know that there is more potential than is presently being tapped into. Our planned Disparity Study and Consultant Services Contract will allow us to learn more about the categories of goods and services being offered by these companies, forming the basis for meaningful County contracting goals, and help us enhance and expand our on-going efforts to develop MWBE/SDVOB capacity and participation.

We are eager for input from potential consultants, business owners, community stakeholders, experts in the fields of procurement and capacity building and our government partners as we undertake this important work.

Thank you for your consideration and participation.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Curran", is positioned above the printed name.

Laura Curran  
Nassau County Executive



## I. INTRODUCTION

A cornerstone of Nassau County Executive Laura Curran's Administration is enhancing economic development throughout the County. The County Executive's comprehensive strategy has focused on the renewal of the County's infrastructure, development of County-owned real estate like the Nassau Hub, promoting community-driven downtown revitalization projects, streamlining County policies and practices that hinder business growth, and working to make Nassau County more attractive to businesses looking to expand or relocate.

Expanding County contracting opportunities has been a focus of both the Administration's economic development effort and anti-corruption initiatives. We have worked to not only make it easier to do business *in* the County, we have worked to make it easier to do business *with* the County, **with procurement practices that are transparent and fair**. A County contract can form the basis of important business partnerships and open doors for vendors to serve other municipal markets as well.

Also, Nassau County's Shared Services initiative represents an invitation to utilize the procurement platform for governments to achieve better economic results and pricing in the marketplace. As we expand this model with the many governmental subdivisions in our area, including towns, villages, cities and special districts, we need a better understanding of vendor capacity under multiple buyer scenarios.

To be truly successful, our strategy for expanding these opportunities must be inclusive. There are estimated to be over 40,000 minority owned businesses in the County, but information is limited on the number of businesses offering the types of services and commodities that are utilized by County government and the capacity of these businesses to provide such services/commodities to the County.

The purpose of a Disparity Study is to determine the share of contract dollars going to minority-and-women owned firms, and in this case SDVOBs, and then compare that with what might be expected based on the availability of such firms in the study area. **This RFEI, and subsequent RFP, are designed to enlist a partner or partners with expertise in both disparity analysis and capacity building**, so we can make necessary and important strides in developing, supporting and expanding MWBE and SDVOB participation with the County and throughout the County's many governmental subdivisions.

The County intends to issue a Request for Proposals ("RFP") to secure a Disparity Study and Consultant Services later this summer. **A precursor to the upcoming RFP, this RFEI is designed to:**

- (1) **Promote the RFP** and ensure robust participation by gathering information about potential respondents and their capabilities, and
- (2) **Secure input regarding the County's proposed contract for a Disparity Study and Consultant Services**, as outlined herein and inclusive of the *Objectives, Scope of Services, Anticipated Deliverables and Other Anticipated Contract Terms*, to ensure the expected RFP will elicit an end-product that will best serve the County's goal of increasing MWBE/SDVOB participation in County contracting as well as with the municipal subdivisions within the County.



The County is seeking comments and suggestions on the proposal for a Disparity Study and Consultant Services contract, to be submitted in writing to this RFEI. **All submissions received in response to this RFEI shall be considered by the County in crafting the final RFP document.**

## II. BACKGROUND

Nassau County's MWBE Program and SDVOB Program are codified in §2112(3)(d) of the County Charter, and Title 53 and Title 82 of the Miscellaneous Laws of Nassau County and the MWBE Rules of the Nassau County Office of Minority Affairs (OMA). OMA is empowered to provide access and opportunity for minority participation in County contract and procurement programs and to develop and improve the County's MWBE programs to afford greater opportunities to participate in public contract bidding procedures as well as exploring ways and means to assure their participation.

Following a 2003 disparity study, OMA in 2005 published MWBE rules establishing certain "aspirational goals" for participation by MWBE firms in County contracts and subcontracts for construction, professional services, other services and goods purchases.

In 2016, the County enacted Title 82 of the Miscellaneous Laws which established the Service-Disabled Veteran-Owned Businesses (SDVOV) Program. The law provides that all County agencies shall make good faith efforts to have greater participation of SDVOBs in County contracts by aiming for at least a six percent participation rate of State-certified SDVOBs on County contracts.

With bipartisan support from the Nassau County Legislature, the County's 2019 capital budget (Ordinance No. 174-2018) includes Project #92306 to fund a disparity study. The County also adopted bond Ordinance No. 15-A-2019 to authorize borrowing for the purpose of contracting for a disparity study (up to \$500,000).

## III. OBJECTIVES OF THE DISPARITY STUDY AND CONSULTANT SERVICES

In pursuing a contract for a disparity study and consulting services, the County intends to accomplish the following objectives:

- (1) determine the extent to which there exists a disparity between the availability of qualified MWBEs and SDVOBs and their utilization by County agencies (a list of which will be provided in the RFP).
- (2) determine whether County contracts should be subject to race, gender and or service-disabled veteran status conscious remedial programs supported by State law.
- (3) establish the basis by which the County will determine overall Countywide goals for the participation of MWBEs and SDVOBs in County contracts (both as prime contractors and subcontractors in the procurement categories of construction, standard services, professional services and goods valued under \$1 million).
- (4) gather insight concerning where the County is falling short in making maximum use of MWBE/SDVOBs; suggestions on ways to incubate these businesses; review of the current County





MWBE/SDVOB program (including any applicable certification requirements) and strategies for better matching capacity with demand.

(5) better understand the ability of MWBE/SDVOBs to be successful within the County's shared services initiative where goods and/or services are provided through County or municipal subdivision procurements.

**While a Disparity Study centers around a review of past and present utilization and availability of MWBEs/SDVOBs, the County intends for this effort to also be forward looking, with an emphasis on developing a better understanding of MWBE/SDVOBs in order to support their participation in County contracting and broader economic development efforts as well as county-wide opportunities with municipal subdivisions such as towns, cities, villages and special districts.**

#### **IV. PROPOSED SCOPE OF SERVICES**

This Scope of Services is designed to achieve and implement the County's objectives outlined above. The County welcomes suggestions on this proposed scope, including recommendations for additional tasks or services that may be complementary and/or necessary to accomplish the goals of this effort.

The County seeks the following three primary tasks: (1) Data Collection; (2) Disparity Analysis; and (3) Additional Analysis and Services. The Consultant is expected to perform these tasks specifically for the County and to tailor its approach, analyses, determinations, and recommendations to the County's unique economy and demography.

The Consultant is expected to provide on-going interim recommendations to improve MWBE/SDVOB opportunities based on preliminary interviews, data collection and analysis. The County wishes to make improvements in its outreach and communication strategies on a rolling basis throughout the first two steps of the contract (data collection and data analysis). As such, the County wants to make improvements before the conclusion of the study, where possible.

The Consultant is expected to utilize a variety of methods to gather information relevant to these tasks and should explain its approach in its proposal. Methods may include use of focus groups; surveys (mail, electronic and/or phone); outreach meetings; public hearings; one-on-one interviews of business owners; and other methods of data collection, analysis and additional services.

##### **(1) Data Collection**

The Consultant is expected to be responsible for defining, researching, compiling, and analyzing all data required to conduct the MWBE/SDVOB disparity analysis. The County will, to the extent possible, make records available to the Consultant and will cooperate with the Consultant in the retrieval of the records. The records will be available in various formats including the internet, computer databases, spreadsheets, and hard copies.



The Consultant may use statistically valid sampling and estimating methods as appropriate where actual procurement data and records are incomplete. The Consultant must be prepared to provide legal justification for the methods used.

**(a) Data Sources Available from the County**

- The County will provide the Consultant with electronic files from relevant County databases.
- Contract data will be available for the time period from FY 2010 to FY 2018. The Consultant will be responsible for suggesting an appropriate time period for the MWBE/SDVOB Disparity Analysis. In addition, the County will provide lists of businesses within the County's market area, from such sources as the County's various bidder lists, and lists from business groups and associations, to the extent readily available to the County. The list of County certified MWBEs and State certified SDVOBs are publicly available at <https://www.nassaucountyny.gov/1738/Nassau-County-MWBE-Directory> and <https://online.ogs.ny.gov/SDVOB/search>. Additional data on MWBEs is available from the following report of the Nassau County Comptroller's Office: [https://www.nassaucountyny.gov/DocumentCenter/View/23774/MWBE\\_Factsheet\\_10\\_201810181210325123?bidId=](https://www.nassaucountyny.gov/DocumentCenter/View/23774/MWBE_Factsheet_10_201810181210325123?bidId=)
- Additionally, OMA is spearheading a vendor survey this month and will make the results available to Consultant.

**(b) Data Requirements**

- To the extent the County does not provide the Consultant with the data required to conduct the MWBE/SDVOB disparity analysis, the Consultant must collect such data, and the draft and final reports on the MWBE/SDVOB disparity analysis must describe in detail the methodology used, the sources from which the data was collected, and the steps taken to ensure data integrity. In addition, the Consultant must provide the County with any databases, in electronic form, created from data gathered by the Consultant, as well as a listing of the various data sources used.

**(2) Disparity Analysis**

The Consultant's review will include a quantitative determination and analysis of the relevant geographic market; relevant industry classifications; the estimation of availability of minority-owned, women-owned, and/or service-disabled veteran-owned firms in each type of industry; public sector utilization; public sector disparity ratios; and obstacles to contract opportunities experienced in the public and private sectors.

The Consultant should explain how it plans to approach these elements, i.e. its statistical and/or econometric analyses and its methodology for determination of each element. The Consultant is not obligated to accept the definitions currently utilized by the County and is encouraged to propose an



approach that best reflects the current County environment. Further, the MWBE/SDVOB disparity analysis may include anecdotal or qualitative evidence relevant to the County's marketplace.

**(a) Determination of Relevant Geographic Market**

- The County's current annual Countywide participation goals are based on the availability of MWBEs/SDVOBs within the geographic market from which the County draws the bulk of its prime contractors, subcontractors and providers of services and commodities.
- The Consultant should determine whether to recommend that this definition be modified. The proposal should include a description of how the Consultant will approach this issue, including: (1) how the Consultant would assign prime contractor and subcontractor location; and (2) how the Consultant would determine which locations to include or exclude in its analysis.
- The Consultant should consider the geographic market of other certifying entities, including but not limited to New York State, New York City, the NYC School Construction Authority, and the Port Authority of New York / New Jersey.

**(b) Determination of Relevant Industry Classifications**

- The Consultant's proposal should identify the "industry classifications" that it proposes be used for the MWBE and SDVOB Disparity Analysis. These shall be informed by the current County agency procurements.

**(c) Estimation of MWBE/SDVOB Availability**

- The Consultant is expected to research the existence of minority-owned firms, women-owned firms, and service-disabled veteran-owned firms within the County's relevant geographic market for the relevant categories of procurement.
- The Consultant is expected to define and calculate the availability of minority-owned, women-owned and service-disabled veteran-owned firms for each of the proposed categories of procurement. These calculations must be disaggregated by the various listed groups.
- In its proposal, the Consultant should describe its approach to determination of "ready, willing and able" minority-owned, women-owned, and/or service-disabled veteran-owned firms.

**(d) Public Sector Utilization**

- The Consultant is expected to analyze utilization of MWBE/SDVOBs on the County's prime contracts and subcontracts.
- The Consultant is expected to calculate utilization rates of minority-owned, women-



owned, and/or service-disabled veteran-owned firms for each of the proposed categories of procurement. The Consultant is expected to make separate calculations for minority-owned firms and women-owned firms. If the Consultant recommends adding more minority groups, it should provide the same analysis for said additional minority groups.

- The County seeks data and analysis concerning how Nassau County businesses are faring in the contracting efforts of New York State, the Port Authority and other relevant entities. We are specifically interested to learn if Nassau based MWBE/SDVOBs are fulfilling contracting goals in other jurisdictions.

#### **(e) Public Sector MWBE/SDVOB Disparity Ratios**

- The Consultant is expected to conduct a statistical comparison of the County's utilization of MWBEs and SDVOBs to the availability of willing and able MWBEs and SDVOBs in the relevant geographic marketplace and determine whether a disparity exists. The Consultant is responsible for identifying an appropriate approach for such analysis and criteria for the disparity determination and is expected to present its anticipated approach.

### **(3) Additional Analysis and Services**

#### **(a) Market Review**

- The County is interested to learn the Consultant's view of the relevant market for the County's procurements if we are to maximize use of MWBE/SDVOBs. For instance, is the relevant market for County procurements the same as the relevant market for these businesses to sell to? Are the firms doing business with Nassau County also doing business with other area municipal entities, and what business are they doing?

#### **(b) Barriers to Opportunity**

- The County seeks Consultant input, based on analysis of anecdotal and/or quantitative evidence from MWBEs/SDVOBs and non-MWBEs/SDVOBs, regarding their experiences doing business or attempting to do business in the County's geographic marketplace, including any personal experiences of discrimination in that marketplace.

#### **(c) Expanding Contract Opportunities**

- The County is interested in Consultant's recommendations concerning improvements that can be made to the County's MWBE/SDVOB Program, including the current MWBE certification program. This includes input concerning whether the inclusion of minority and gender-conscious measures may be supported by evidence of obstacles to contract opportunities in private and public contracting for minority-owned, women-owned and/or service-disabled veteran-owned businesses.





#### **(d) Shared Services**

- As stated, the County wishes to expand opportunities to MWBE/SDVOBs within our Shared Services Initiative, which we believe holds great promise for improved participation. The County is interested in Consultant's input and recommendations in this area.

#### **(e) On-Going and Continuous Recommendations**

- The County seeks Consultant's input on all aspects of this scope in an on-going and continuous manner throughout the duration of the contract. This will include interim recommendations concerning how the County can increase the capacity of our MWBE/SDVOBs to win County contracts; how the County can better match capacity to our procurement needs; improvements to our outreach and other MWBE/SDVOB programs, including our efforts to set meaningful utilization goals. The County seeks input both during the study and post study implementation.

### **V. ANTICIPATED DELIVERABLES**

During the contract, it is expected that the Consultant will be updating the County on a timely and regular basis. The Consultant will be expected to make presentations and attend meetings at the County's request.

Monthly performance reports shall summarize all pertinent work progress including but not limited to milestones reached, challenges identified in performing the scope of work, steps taken to overcome those challenges, outstanding issues, and as appropriate, recommendations regarding the County's processes to enhance the County's ability to implement better communication and outreach strategies. As such, the County anticipates that it may adjust outreach programs, procurement systems and other related County procedures and policies throughout the course of the Consultant's work, based upon recommendations from Consultant and best practices.

The Consultant is expected to propose a work plan and schedule of deliverables for the MWBE and SDVOB disparity analysis and other services. In addition, the Consultant shall provide a gap analysis summary report reflecting these findings following the conclusion of the Disparity Analysis.

The Consultant shall also produce a final report with its data and analysis reviewed and discussed. The final report will support Consultant's recommendations regarding goals, capacity building and shared services capabilities and other items from the above scope of services.

Upon the County's request, the Consultant will provide to the County all databases developed in the course of the project. Programs and data entry materials developed in connection with the MWBE and SDVOB disparity analysis must be compatible with existing County systems.



## **VI. OTHER ANTICIPATED CONTRACT TERMS**

### **(1) Duration of Contract**

It is anticipated that the term of the contract awarded from the RFP will be for two (2) years with two (2) one-year renewal options at the County's sole discretion. It is expected that the contract will commence upon the County's issuance of a written notice to proceed with work. The County reserves the right, prior to contract award, to determine the length of the initial contract term and option to renew or extend for additional periods, if any.

### **(2) Minimum Qualification Requirements**

The following are the expected Minimum Qualification Requirements for the RFP.

- The Consultant should have at least five (5) years of experience immediately prior to the date of submission of its proposal in providing Disparity Analysis Services and/or similar project involving complex data collection and analysis, and/or related consulting services as outlined herein.
- During the past ten (10) years, the Consultant has satisfactorily performed at least three (3) such studies or reports comparable to the scope of the subject analysis.

The County seeks proposals from Consultants meeting both requirements, either on an individual basis or as a proposing team. We welcome partnerships among firms/organizations with complementary expertise and will also look favorably on responses from firms/organizations which themselves reflect the diverse community of Nassau County.

### **(3) Payment Structure**

The County assumes a performance-based payment structure to ensure that the selected proposer will perform the work under the contract awarded from the RFP in a manner that is cost-effective for the County and most likely to achieve the County's goals and objectives, as follows:

- It is anticipated that the payment structure of the contract awarded from the RFP will be milestone-based, with payment to be paid for each required deliverable.
- The Consultant is expected to propose a payment schedule that corresponds to their proposed work plan. Depending on the payment structure, retainage may be held from each payment phase until all activities have been completed and all deliverables have been received by the County. Liquidated damages may also be assessed if the project is not completed according to the timeline set forth in the RFP.
- Greater consideration is expected to be given to those proposals that offer more competitive prices in combination with a high-quality proposal. The County will consider proposals to structure payment in a different manner and reserves the right to select any payment structure that is in the County's best interest.



## VII. RFEI SUBMISSION INSTRUCTIONS

Interested parties shall provide no more than five (5) pages in response, to include: (1) name of company/organization; (2) brief description of prior, related experience; (3) comments on County's proposed scope and other requirements outlined herein and (4) comments and insights on any other aspects of the County's effort to expand both opportunities for MWBE/SDVOB participation throughout the County and within municipal subdivisions participating in Shared Services opportunities.

Because this RFEI is part of an anticipated RFP process, submissions to the RFEI will not be made public during this on-going RFP process.

Nassau County anticipates having one **Information Session concerning this RFEI on June 28<sup>th</sup>, 2019**. Further information on this session and other updates on this RFEI will be posted regularly on the Office of Minority Affairs website at <https://www.nassaucountyny.gov/1729/Minority-Affairs>.

The County will **accept written questions concerning this RFEI through July 3, 2019**. Questions should be directed to [oma@nassaucountyny.gov](mailto:oma@nassaucountyny.gov). The County will post responses to all written questions on the Nassau County Office of Minority Affairs website <https://www.nassaucountyny.gov/1729/Minority-Affairs>.

Expressions of Interest must be submitted electronically to [oma@nassaucountyny.gov](mailto:oma@nassaucountyny.gov) no later than **4:00 pm on Friday July 19, 2019**.