

Memorandum



DATE January 11, 2018

CITY OF DALLAS

Honorable Members of the Government Performance & Financial Management
TO Committee: Jennifer S. Gates (Chair), Scott Griggs (Vice Chair), Sandy Greyson,
Lee M. Kleinman, Philip T. Kingston, Tennell Atkins, Kevin Felder

SUBJECT **Availability & Disparity Study, Scope of Services, and Timeline**

On Monday, January 16, 2018, the Office of Business Diversity will brief the Government Performance & Financial Management Committee on the Availability & Disparity Study, Scope of Services and Timeline. I have attached the briefing for your review.

Please let me know if you need additional information.

A handwritten signature in blue ink, appearing to read 'Kimberly Bizzor Tolbert', written over a printed name and title.

Kimberly Bizzor Tolbert
Chief of Staff to the City Manager

C: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Biliera Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager
Raquel Favela, Chief of Economic Development & Neighborhood Services

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Office of Business Diversity

Availability & Disparity Study, Scope of Services,
and Timeline

Government Performance
and Financial Management
Committee Briefing

January 16, 2018

Zarin D. Gracey
Interim Managing Director



City of Dallas

Outline

- Overview of Availability & Disparity (A&D) Study
 - Purpose
 - Legal Framework
 - Objectives
 - History
- Recent A&D Studies in Texas
- 2018 A&D Study Scope
- 2018 A&D Study Schedule
- Next Steps

A&D Study Purpose

- To analyze the City's record in awarding contracts to M/WBE owned firms when competing for government entity contracts in relation to the diversity of the local business market.
- Determines whether a government entity, either in the past or currently, engages in exclusionary practices in the solicitation and award of contracts to minority, and women-owned, and disadvantaged business enterprises (MWDBEs).

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Legal Framework

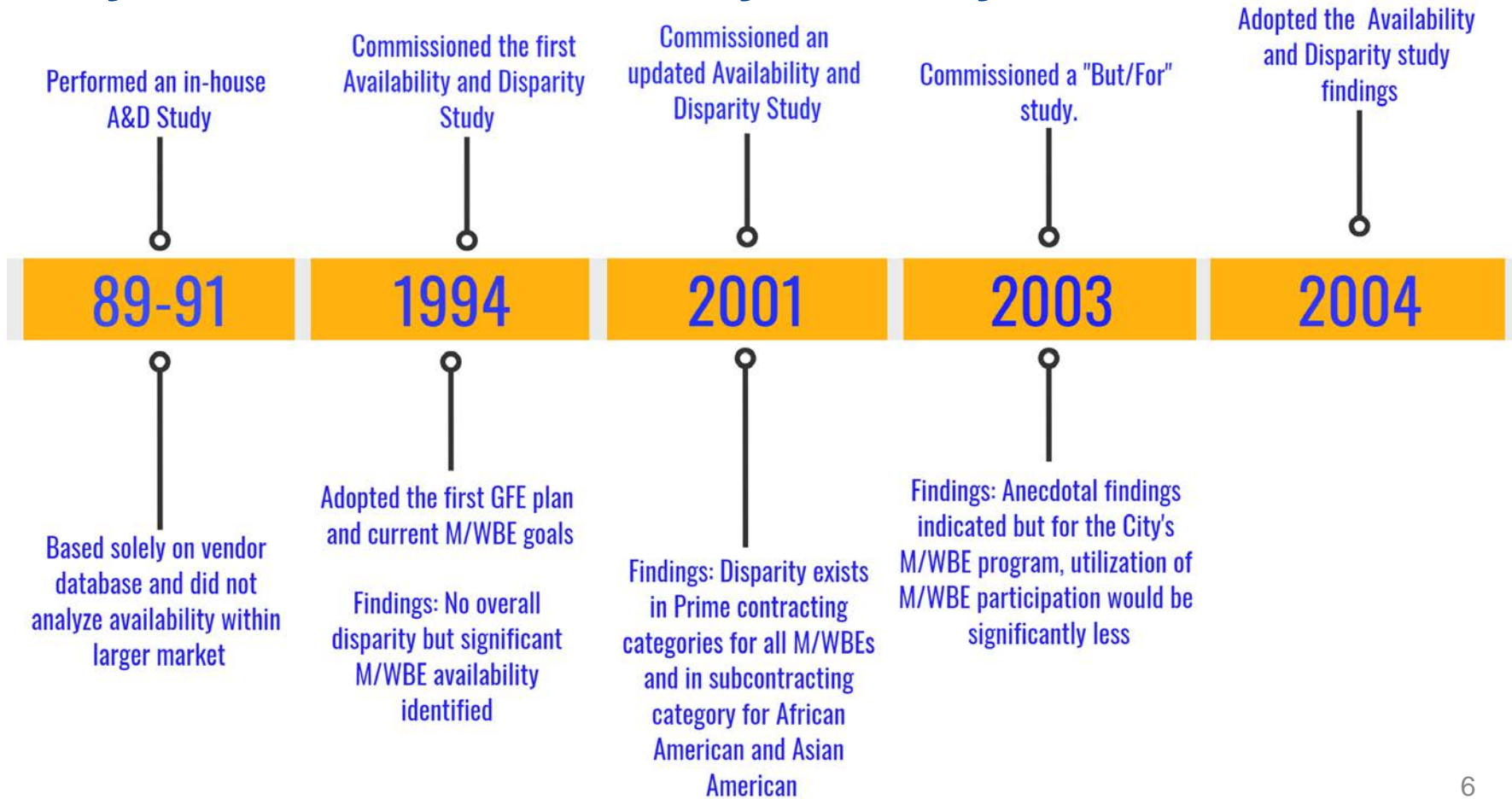
- In 1989, Supreme Court review of M/WBE programs in public contracting determined:
 - M/WBE participation goals must be narrowly-tailored to remedy past discrimination
 - Availability and disparity study is needed to justify a race-conscious based program
 - The program cannot be perpetual: a periodic review is necessary

A&D Study Objectives

- Identify the comparison between the utilization of M/WBE's on City contracts and the availability of those businesses to perform that work
- Examine whether there are disparities between:
 - The percentage of dollars that M/WBE's received on the City's prime contracts and subcontracts during a five-year period (FY13 – FY17)
 - The percentage of dollars that those firms might be expected to receive based on their availability to perform on the City's prime contracts and subcontracts according to procurement needs
- Evaluate existing programs and develop new programs
- To Determine if a race-conscious based program is warranted

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City of Dallas A&D Study History



Summary of 2001 Disparity Findings

	African Americans	Asian Americans	Hispanic Americans	Native Americans	White Females
PRIMES					
Construction	X	X	X	X	X
A&E	X	X			X
Professional Services	X	X	X	X	X
Goods & Other Services	X		X		X
SUB CONTRACTING					
Construction	X	X			
A&E					
X=Disparity					

Recent A&D Studies in Texas

Entity	A&D Study
City of Austin	Completed in 2015
City of Fort Worth	Completed in 2009
City of Houston	In progress
City of San Antonio	Completed in 2015
Dallas County	Completed in 2017
DART	Completed in 2014
DFW Airport	Currently evaluating
NTTA	Pending Board review and approval

2018 A&D Study Scope

- Study will cover a 5 year period: FY 2013 – 2017
- Study will cover all procurement categories:
 - Architecture & Engineering
 - Construction
 - Goods
 - Other Services
 - Professional Services
- Study will be divided into two phases:



2018 A&D Study Scope

- Phase I – Utilization Analysis
 - Review procurement practices, procedures, and M/WBE policies, and administrative guides
 - Collect procurement activity data (i.e. payments, awards, ethnicity, contracts with goals and without goals, etc)
 - Statistical Analysis of M/W/S/DBE availability
 - Host public outreach meetings to gather input/feedback
 - Conduct internal monthly meetings/reporting
 - Provide recommendations to address utilization gaps, if any

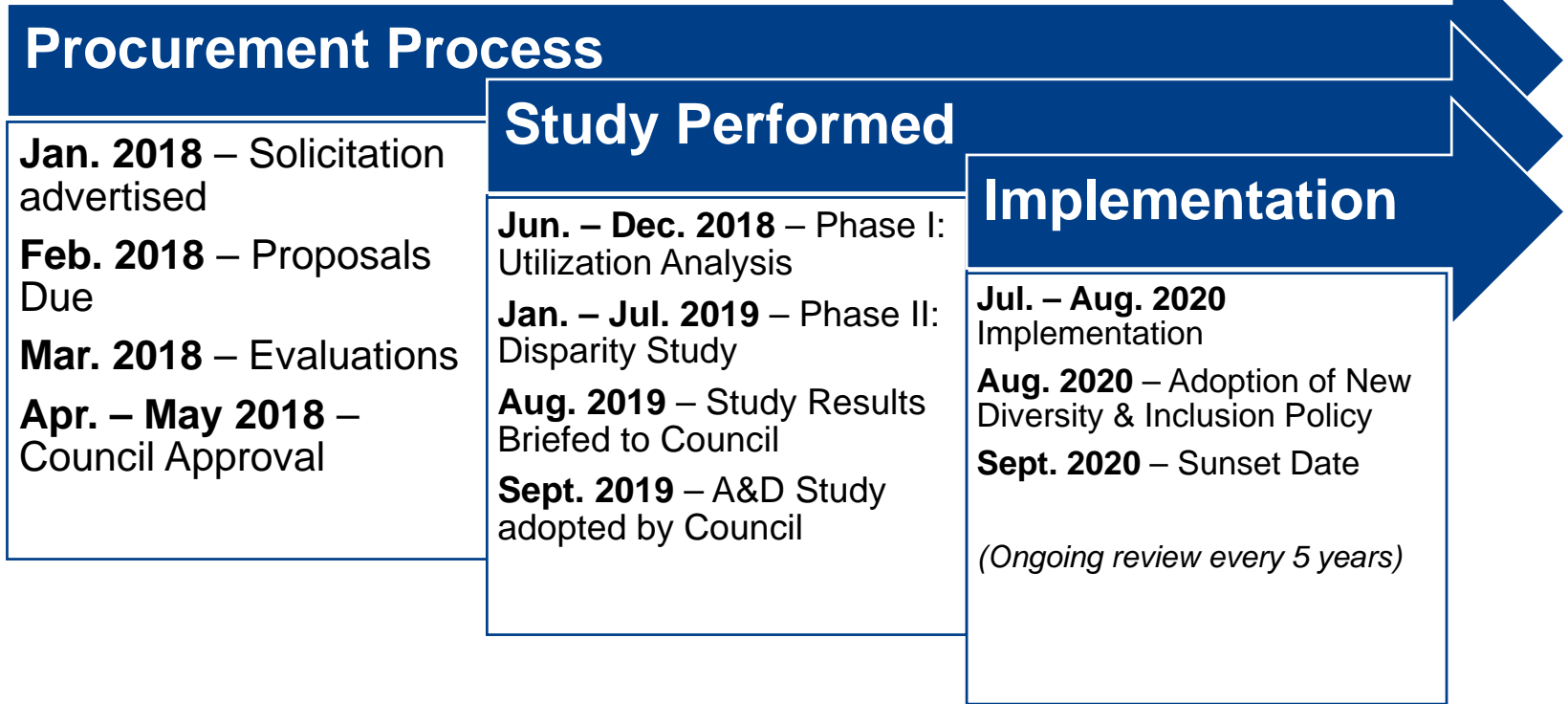
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2018 A&D Study Scope (cont.)

- Phase II – Disparity Analysis
 - Perform a legal review and analysis
 - Conduct a private sector disparity market analysis
 - Conduct a relevant geographic market analysis
 - Gather anecdotal evidence of discrimination (if applicable)
 - Review credit market access
 - Determine public sector disparity ratios (MBE, DBE, ACDBE, and Disabled Veterans).
 - Schedule and facilitate public meetings and focus groups
 - Conduct internal monthly meetings and reporting
 - Develop an A&D study report (present findings to City Council)
 - Provide recommendations (i.e. goals, policies, procedures, new programs, etc)

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Availability & Disparity Study Schedule



Next Steps

- Council input/feedback on scope and schedule
- Issue RFP
- Council Action – Vote to approve consultant April/Early May

QUESTIONS

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Office of Business Diversity

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