

Title and Summary

Request for Proposal
Request for Proposal
RFP Bid Publication:

No. FY10-331
Comprehensive Disparity Study or an Availability Study
As follows:

- 03/02/2010 <http://www.orangeburgcounty.org/>
- 03/02/2010 bulletin board, 3rd Fl., Admin. Centre
- S. C. Newspapers – The Times and Democrat, SCBO, The State – 2/28/2010

RFP Composition:

Invitation to Bid No. FY10-331 is composed of the following:

- Title and Summary pages
- Code Articles 1 through 7
- Scope of Work, including subparts:
 - ◊ Reporting Requirements
 - ◊ Contract Provisions
- Vendor Qualifications and Information including subparts:
 - ◊ Submission Requirements
 - ◊ Proposal Format
 - ◊ Other Requirements
 - ◊ Time Table
- Evaluation Criteria
- Certified Proposal Costs Form- Option 1 and/or Option 2
- Certification of Proposal Accuracy
 - ◊ Proposal Option 1
 - ◊ Proposal Option 2
- Certification of No Exceptions
- Certification of Preference(s)
- Addendum Acknowledgement

Invitation Amendments:

If any, will be published/posted on the following:

- <http://www.orangeburgcounty.org/>
- Bulletin boards located in/on
 - ◊ 3rd Floor Administrative Centre, Procurement

Contracting Entity:

Orangeburg County, South Carolina (“Owner”)

A political subdivision of the State of South Carolina

Procurement Coordinator: Procurement Director Jannella S. Shuler
Orangeburg County Procurement Office
1437 Amelia St. ("Administrative Center")
Orangeburg SC 29115
(803) 533-6121 Office phone number
(803) 535-2307 Office fax number (No fax bids)
jshuler@orangeburgcounty.org

Pre-Submission of Proposal

Questions: If proposers have questions, same shall be directed to

Procurement Director
Mode of Communication via e-mail only
No later than 10:00 am March 19, 2010

Proposal:

- Submission Composition: Each submitted proposal is required to be composed of the following, including fully completed and executed forms:
 - Code and Articles Acknowledgment
 - Vendor's Certification of Qualifications and Information
 - Either or both of the following:
 - Proposal Option 1- Cost- Disparity Study
 - Proposal Option 2- Cost- Availability Study
 - Either of both of the following:
 - Proposal Accuracy Option 1- Disparity Study
 - Proposal Accuracy Option 2- Availability Study
 - Certification of No Exceptions
 - Certification of Preference(s)
 - Bid Security
 - Addendum Acknowledgment

- Submission Deadline: 2:00 p.m. on March 31, 2010
- Submission Location: Administrative Centre, 3rd Floor Procurement Office
- Opening Time: 2:05 p.m. on March 31, 2010
- Opening Location: Administrative Centre, 3rd Floor Training Room

Special Conditions

Intent/Award/Contract:

The intent to award, award, and the contract regarding FY10-331 is subject to the following special conditions:

- Only as stated in the documents that compose the request for proposal

Background

This RFP is being issued by the County of Orangeburg, in collaboration with South Carolina State University, for the purpose of obtaining proposals from qualified bidders to conduct two separate studies: Disparity Study and an Availability Study. Bidders may submit one or two separate proposals or may submit one proposal with the Availability Study being a subset of the more comprehensive Disparity Study.

These studies shall determine if there is a disparity between the number of minority and woman owned businesses that are ready, willing, and able to perform construction, professional services, and provide goods, and the number of these same business types that are actually participating in these same contractual agreements with the County and SCSU.

For the purpose of these studies, minority owned businesses are those that are at least 51% owned and controlled by one or more citizens or lawful permanent residents of the United States who are either African American, Hispanic American, Asian American, or Native American. A woman owned business is one that is at least 51% owned and controlled by one or more citizens or lawful permanent residents of the United States who are non-minority females.

Code and Articles

RFP No. FY10-0331 Comprehensive Disparity Study/Availability Study

Incorporation by Reference.

Articles 1 through 5 and 7 of the Code are incorporated by reference as if set forth verbatim in this RFP. As stated in the Code, by submitting a proposal, the vendor agrees that the Code governs this procurement from solicitation through completion of the resulting contract, including disputes, if any.

ACCESS TO CODE. On November 16, 2009, Orangeburg County Council, the governing body of Orangeburg County, repealed all aspects of its procurement policy and enacted the **Orangeburg County Procurement Code** (the "Code"). The Code may be accessed online without charge at <http://www.orangeburgcounty.org/Purchasing/code.html> In addition; a copy of the Code is available for review without charge at the Office of the Procurement Director. If neither of those options meets your needs, a hard-copy of the Code is also available for purchase at the Office of the Procurement Director.

Method of Source Selection.

The source selection method applicable to this procurement is Competitive Sealed Proposals, §5-304 of the Code. <http://www.orangeburgcounty.org/>

The undersigned vendor understands and agrees to be bound to the Code in all matter arising from the RFP identified above.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Scope of Work

RFP No. FY10-331 Comprehensive Disparity/Availability Study

- 1 Conduct a detailed analysis of relevant court cases and rulings emphasizing methodology requirements.
- 2 Identify the categories of contracts for goods, services and construction typically awarded by the participating entities by contracts and dollar amounts for the past three years for which data are available.
- 3 Define the relevant geographic market for assessing the availability of minority and woman-owned businesses that might participate in the contracts issued by the participating RFP entities.
- 4 Determine by gender, ethnic group, and capacity, the availability of minority and woman-owned businesses in the market area, for each category of goods, services, and construction procured by the participating entities at the prime and subcontractor levels.
- 5 Define the criteria and measures used to determine availability.
- 6 Analyze the procurement and contract data of the participating entities for the relevant time period and calculate by prime and subcontractor levels, the share of contracts awarded minority-owned, woman-owned and non-minority owned businesses. Calculate total awards, payments, and annual trends.
- 7 Develop a disparity model and use the model to identify any disparity between the participating entities' use of minority and woman owned businesses and their availability in the overall relevant market area. The disparity model created must be consistent with the standards established by *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 109 S.Ct., 102 L.ED.2d 854 (1989) and the subsequent cases applying Croson.
- 8 Determine the relevance and significance of any disparity found in applying the disparity model and explain its significance through statistical analysis. Compare the use of minority and woman owned businesses in the participating entities' contracts with the availability of such firms in the relevant market area, categorized by industry, race, ethnicity and gender.
- 9 If disparity is found, determine the cause by analyzing policies, procedures, and practices of the participating entities.

- 10 Determine the extent and role of commercial credit access in creating or supporting the disparity found.
- 11 Identify and evaluate the effectiveness of any race/gender neutral initiatives that have been used by the participating entities.
- 12 Make recommendations for activities to remedy the effects of any disparity identified and to reduce or eliminate any marketplace barriers that adversely affect the contract participation of such minority and woman owned businesses and other activities of the participating entities.
- 13 Propose actions to improve or modify the contracting and procurement processes of the participating entities to ensure that all businesses, including minority and woman-owned businesses have a fair and adequate opportunity to participate in the procurement and contracting processes.
- 14 Make recommendations for race/gender neutral activities to improve or modify the contracting and procurement processes so that all businesses have a fair and adequate opportunity to participate in the procurement and contracting processes, even if no disparity is found,

Reporting Requirements: The contractor shall prepare and submit reports to the designated representative for the studies, as outlined below:

- 1 Monthly progress reports
- 2 A final draft report detailing the contractor's methodology and findings and containing all deliverables described in the RFP
- 3 A clear, succinct and organized executive summary providing adequate and useable details regarding the content of the full study.
- 4 An electronic copy of the full report, including all data and records developed that will permit future use by the participating entities.
- 5 A multi-media presentation of the study overview with findings and recommendations. The contractor will be expected to make a formal presentation of the study to the Disparity/Availability Study Review Team as well as the elected bodies represented by the participating entities, as may be requested.

Litigation Support Services: The bidder shall agree to be available for consultation and expert witness services in the event of a legal challenge to policies and procedures implemented as a result of the findings and recommendations of the Disparity/Availability Study.

LENGTH OF CONTRACT: The contractual period shall be no more than three months from the date of acceptance of final study documents by the Disparity/Availability Study Review Team. This report will be reviewed and consultation with the provider conducted to clarify any final issues prior to submission of the report to the Orangeburg County Council and representatives from SCSU.

- 4.1 Contract: The contract shall be drawn between Orangeburg County as the representative and fiscal agent for the Disparity/Availability Study. The contract shall consist of the Request for Proposal document (RFP) and any amendments thereto; the proposal submitted by the bidder in response to the RFP; and the executed Consultant Agreement. In the event of a conflict in language among the documents referenced above, the provisions and requirements set forth and/or referenced in the RFP shall govern. The County, on behalf of SCSU, reserves the right to clarify any contractual relationship in writing with the concurrence of the bidder. Such written clarification shall become a part of the official contract and shall govern in case of a conflict.

Vendor Qualifications and Information

RFP FY10-0331 Comprehensive Disparity Study/Availability Study

1.0 **Submission Requirements**

- 1.1 The complete original and three copies of the proposals for each product, e.g., Disparity Study and/or Availability Study must be submitted in a sealed package and received in accordance with the instructions detailed in the cover letter. All proposals shall be marked: RFP No. FY10-0331 Consulting Services for Disparity Study or RFP No.FY10-0331 Consulting Services for Availability Study.
- 1.2 All documents necessary to support the proposal must be included in the bid package.
- 1.3 Bidder shall be responsible for the actual delivery of proposals during business hours to the address indicated in the cover letter. Evidence of postmark date for mailed proposals will NOT be acceptable to verify the timeliness of the submission.

2.0 **Proposal Format**

- 2.1 COVER LETTER – The cover letter will serve as the introduction for the bidder. Minimum requirements include official name, address, telephone number, FAX number, and e-mail address for the business and a contact person to whom all correspondence should be directed.

2.2 EXPERIENCE

Provide a list of former clients and similar projects in the last five years with a brief narrative of each project and services provided.

Provide any documentation of lawsuits (open, current, and closed) involving studies conducted by your firm.

Provide documentation of any lawsuits which references any studies conducted by your firm within last 10 years.

Provide any documentation which indicates that your firm or any of its principle agents provided “expert witness/testimony” or litigation assistance to previous or current clients regarding disparity or availability studies.

2.3 QUALIFICATIONS

Provide a list and résumés of key personnel including the project manager, key personnel and staff who will be responsible for the work and project completion.

Identify all subcontractors, their roles, experience, qualifications, and specific knowledge of the disparity/availability study market.

Describe at least one of the research efforts that will be included in the final product.

2.4 PROJECT UNDERSTANDING AND METHODOLOGY

Describe key elements of the project and how each will be addressed.

Provide the proposed schedule of implementation.

Identify and briefly describe the responsibilities of the key staff performing the key elements of the work

Provide a detailed methodology of how the study will be conducted.

2.5 MBE/WBE PARTICIPATION

Provide the percentage of minority and women staffers in your firm and proposed subcontractors affiliated with your firm. Indicate their scope of work and percentage of work to be done on this project.

2.6 OTHER REQUIREMENTS

FEE PROPOSAL: Provide a detailed fee proposal itemized by task and person-hours and submit in a separate envelope. Attached to Proposal Cost Form Option 1 and/or Option 2.

REFERENCES: Provide a minimum of three references, including contact person, agency name, address, phone number and e-mail address.

Only information provided by the purchasing officer, in writing, shall be binding on the County. No employee of the County or SCSU is authorized to interpret any portion of this RFP or give information as to the requirements of the RFP other than the authorized, written responses to inquiries as allowed by the RFP.

3.1 DISCLOSURE OF BIDDERS: The proposals shall be publicly opened and only the names of the bidders will be disclosed at the proposal opening. Contents of the competing bidders' proposals shall not be disclosed during the evaluation or negotiation phases. Proposals shall be available for public inspection after award and receipt of the signed contract.

3.2 RESPONSIVENESS AND RESPONSIBILITIES: Appropriate County personnel and designated representatives from SCSU will review the proposals and determine whether County standards of responsiveness and responsibility have been met according to the evaluation criteria.

Projected Time Table – The following is a projected timetable that should be used as a working calendar of major events in completing the study. The County reserves the right to adjust this timetable as required to facilitate the RFP process.

Major Event	Proposed Dates
Issue RFP	February 28, 2010
Deadline for submitting questions	March 19, 2010
Deadline for final responses to questions	March 22, 2010
Proposals due	March 31, 2010
Complete first evaluation Review of the proposals	April 15, 2010
Conduct interview of finalists, if necessary	April 30, 2010
Prepare and submit final recommendation to the County for contract award decision	May 17, 2010
Complete contract negotiations and execute the contract	May 21, 2010

4.3. COMPLIANCE WITH LAWS: With regard to supplies and work performance, the bidder agrees to comply with all applicable Federal and State laws, regulations, and executive orders as appropriate and shall ensure that all subcontracts adhere to the same standards. Bidders must certify that all equipment, services and/or goods provide

It is expected that a contract will be awarded within 45 calendar days from the date of the opening of the proposals.

Evaluation Criteria

RFP No. FY10-0331 Comprehensive Disparity Study/Availability Study

If Orangeburg County decides to go forward with the procurement, the award shall be made to the vendor whose proposal the County determines to be the most advantageous to the County taking into consideration the evaluation factors stated in this section. The evaluation shall be based in part on the County's review and/or verification of the Vendor Qualifications Responses. The factors to be considered in evaluating proposals are as follows, and are list in order of relative importance:¹

- a. Bidder Qualifications .
- b. Bidder experience .
- c. Project understanding and methodology
- d. Schedule of Implementation
- e. Proposal Fee
- f. MWBE Participation

The County and SCSU reserve the right to conduct interviews of any or all bidders as they deem necessary.

¹ The method of selection, Competitive Seal Proposals, does not require a numerical weighting for each factor. See Code §5-304.7.

Certified Proposal Costs Option 1- Disparity Study

Request for Proposal FY10-331 Comprehensive Disparity Study

Total Proposal Amount \$(_____) Submit separate sealed envelope

Printed Vendor Name: _____

By signature below, the submitting vendor certifies to Orangeburg County that:

1. The Total Proposal Amount, above, is inclusive of all costs, including labor, supervision, materials, supplies, transportation, permits, licenses, taxes or any other costs, incidental or otherwise, for complete and proper performance of the scope of work described in Request for Proposal FY10-331.
2. Vendor understands and agrees that, due to budget constraints, Orangeburg County reserves the right to adjust or amend the work requirements and/or negotiate with the lowest, most responsive, qualified, and responsible bidder in an effort to reach a cost that is fair, reasonable, and acceptable to both parties.
3. The foregoing bid: contains bid prices that are firm for a minimum of 90 days from the date of opening; is made without prior understanding, agreement, or connection with any other submitting vendor; and is in all respects fair and without collusion or fraud.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Date of Signature

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Certified Proposal Costs Option 2- Availability Study

Request for Proposal No. FY10-331 Comprehensive Disparity Study

Total Proposal Amount \$(_____) submit separate sealed envelope

Printed Vendor Name: _____

By signature below, the submitting vendor certifies to Orangeburg County that:

4. The Total Proposal Amount, above, is inclusive of all costs, including labor, supervision, materials, supplies, transportation, permits, licenses, taxes or any other costs, incidental or otherwise, for complete and proper performance of the scope of work described in Request for Proposal FY10-331.
5. Vendor understands and agrees that, due to budget constraints, Orangeburg County reserves the right to adjust or amend the work requirements and/or negotiate with the lowest, most responsive, qualified, and responsible bidder in an effort to reach a cost that is fair, reasonable, and acceptable to both parties.
6. The foregoing bid: contains bid prices that are firm for a minimum of 90 days from the date of opening; is made without prior understanding, agreement, or connection with any other submitting vendor; and is in all respects fair and without collusion or fraud.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Date of Signature

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Proposal Accuracy Form for Option 1

RFP No. FY10-331

Comprehensive **Disparity** Study

Proposal for Option 1 – Disparity Study

By signature below, the submitting vendor certifies the foregoing proposal in the following respects: proposal prices are firm for a minimum of 90 days from the date of opening; this proposal is made without prior understanding, agreement, or connection with any other submitting vendor; and this proposal is in all respects fair and without collusion or fraud.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Date of Signature

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Proposal Accuracy Form - Option 2

RFP No. FY10-331

Comprehensive **Availability** Study

Proposal for Option – Availability Study

By signature below, the submitting vendor certifies the foregoing proposal in the following respects: proposal prices are firm for a minimum of 90 days from the date of opening; this proposal is made without prior understanding, agreement, or connection with any other submitting vendor; and this proposal is in all respects fair and without collusion or fraud.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Date of Signature

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Certification of No Exceptions

RFP No. FY10-331

Comprehensive Disparity Study/Availability Study

The Code requires vendors to give written notice with a submission if vendor will not accept a term of the RFP and the incorporated Code as a contract term. See Code §4-302. In connection with that requirement, a vendor must complete this certification and include it in its submission.

Vendor certifies the following regarding its proposal(s):

1. Vendor AGREES to all of the terms of the RFP (including the incorporated Code terms) and takes NO EXCEPTIONS: Yes No

2. Vendor does NOT AGREE to all of the terms of the RFP (including the incorporated Code terms), and a COMPLETE LIST OF VENDOR'S EXCEPTIONS to same are listed and described below: Yes No

Identification Of Excepted Term	Description of vendor's substituted term	Vendor's Initials
Exception 1:		
Exception 2:		
Exception 3:		
Exception 4:		
Exception 5:		

The undersigned vendor hereby certifies that the above-listed exceptions comprise the only exceptions vendor has to the RFP (including the incorporated Code terms). The undersigned vendor understands and agrees that if it is the successful vendor, its attempt to claim any exceptions other than those listed above, shall result in the County having the right to claim the bid security bond, retract the intent to award or award, award to another vendor, and suspend and/or debar the vendor.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Certification of Preference(s)

RFP No. FY10-331 Comprehensive Disparity Study/Availability Study

The Code authorizes specific preferences. See Article 3. If a vendor is qualified for one or more preferences and desires to exercise the preference(s), then the vendor must complete and submit this form with its proposal. If a vendor is either (1) not qualified for any preference OR (2) is qualified, but does not desire to exercise any preference, then the vendor does not need to complete or submit this form with its proposal.

Vendor is qualified for and desires to exercise the following preference(s) as vendor has marked, below:

Preference 1. Vendor is a resident of the State of South Carolina:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Preference 2. Vendor is a resident of Orangeburg County, SC:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Preference 3. Vendor is an MBE:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

The undersigned vendor hereby certifies that vendor is qualified for the preference(s) above to which the vendor has indicated "Yes". In addition, the undersigned vendor understands and agrees that if it is not qualified for a preference, but claims to be qualified for a preference on this form, the County shall have the right to suspend and/or debar the vendor in accordance with the Code.

Printed Vendor Name

Signature of Vendor's Authorized Agent

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent

Addendum Acknowledgement

RFP FY10-331 Comprehensive Disparity/Availability Study

Vendor acknowledges receipt of the follow Addendum to the above-described procurement, agrees that same is/are hereby incorporated and made a part of the above-described procurement as if the Addendum had been included in the original procurement documents:

<u>Addendum No.</u>	<u>Addendum Date</u>	<u>Initials of Vendor's Authorized Agent</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Printed Vendor Name

Signature of Vendor's Authorized Agent

Printed Name of Vendor's Authorized Agent

Title with Vendor of Vendor's Authorized Agent