THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: July 25, 2023

Subject: Miller 3 Consulting, Inc. Disparity Study Contract Amendment

Staff Resource(s): Nikki Reid, Community and Economic Development Department Director; Frank McGowan, Interim Assistant Director of Community and Economic Development

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment in the amount of $34,473 for Disparity Study data analysis services with Miller 3 Consulting, Inc.

Background:

- A disparity study determines whether a governmental entity is awarding public contracts in a manner that disproportionately excludes or limits participation by minority, women-owned, and disadvantaged business enterprises (M/WBEs).
- Such a study compares the utilization of M/WBEs with the availability of M/WBEs in the relevant market area.
- A disparity study is legally required for the City to continue its race and gender conscious Business Inclusion Program.
- On September 27, 2022, the City Manager entered into a contract with Miller 3 Consulting, Inc. for consulting services to complete the City's Fiscal Year 2023 Disparity Study.
- The data analysis portion of the Disparity Study has required additional analysis from the vendor that was not contemplated with the initial project scope.
- A contingency to increase the contract by $34,473 is needed to satisfy the additional work required by the vendor.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Diverse Community
- Thriving Economy

Committee(s):

- N/A

Pro(s):

- Contracting with this company provides outside expertise that enables the completion of a new Disparity Study, required by law, to be conducted at least every (5) five years in order to continue any race- and gender-conscious contracting program.
- A contingency to increase the contract allows the consultant to conduct the additional data analysis necessary to complete the study.

Con(s):

- None.

Fiscal Impact:

- Funding for this contract amendment is available in the Community & Economic Development Department operating budget.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment in the amount of $34,473 with Miller 3 Consulting, Inc.

Attachment(s)

- Resolution
- Staff Report and Resolution September 27, 2023

RESOLUTION 23- ____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT FOR CITY OF ASHEVILLE DISPARITY STUDY SERVICES WITH MILLER 3 CONSULTING, INC.

WHEREAS, the City of Asheville ("the City") has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the 2018 Disparity Study provided the strong evidentiary basis needed for the City of Asheville to create a new Business Inclusion Policy which prescribes additional methods by which the City may achieve parity and the Asheville City Council adopted the Policy on October 27, 2020 via Resolution No. 20-192, with an effective date of January 1, 2021; and

WHEREAS, pursuant to federal law, a new disparity study must be conducted at least every (5) five years in order to continue any race- and gender-conscious contracting program; and

WHEREAS, the City entered into a contract with Miller 3 Consulting, Inc. in September 2022 to complete the Disparity Study with an initial amount of $287,275.00; and

WHEREAS, it has been determined that additional data analysis needs to be conducted by Miller 3 Consulting in order to complete the study;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment in the amount of $34,473, increasing the total contract amount to $321,748, for financial advisory services with Miller 3 Consulting, Inc.

Read, approved and adopted this, the 25th day of July 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney