**RFP 23-01**

**ATTACHMENT H**

**SCOPE OF SERVICES**

The purpose of this solicitation and resulting contractual services is to conduct a disparity study and statistical analysis of utilization based on total dollar contracts paid to Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) for the State Lottery Commission (Lottery), in compliance with the requirements set forth in IC 4-30-1-2(5) and IC 4-13-16.5-1. The Statistical Analysis of Utilization Study (Study) will involve data for the period of July 1, 2017 through June 30, 2022.

4-13-16.5-1(h) defines an MBE as follows: “an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(1) United States citizens; and

(2) members of a minority group or a qualified minority nonprofit corporation.”

4-13-16.5-1(l) defines a “minority group” as:

  (1) African Americans;

(2) Native Americans;

(3) Hispanic Americans; and

(4) Asian Americans.

4-13-16.5-1(l) defines a “Women’s business enterprise” as a business that is one (1) of the following:

(1) A sole proprietorship owned and controlled by a woman.

(2) A partnership or joint venture owned and controlled by women in which:

(A) at least fifty-one percent (51%) of the ownership is held by women; and

(B) the management and daily business operations are controlled by at least one (1) of the women who owns the business.

(3) A corporation or other entity:

(A) whose management and daily business operations are controlled by at least one (1) of the women who owns the business; and

(B) that is at least fifty-one percent (51%) owned by women, or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.

(4) A qualified women's nonprofit corporation.

**Services to be provided:**

1. To assess/evaluate the extent of utilization and availability of MBE’s and WBE’s as **prime contractors**, distinct from the assessment of subcontractors, in the procurement of construction, professional services, other services, and supplies. The assessment and evaluation should discuss how the data from this study, and any other studies previously completed by the respective respondent, distinguishes between MBE and WBE prime contractors and subcontractors.
2. To assess/evaluate the utilization and availability of MBE’s and WBE’s as **subcontractors**, distinct from the assessment of primary contractors, in the procurement of construction, professional services, other services, and supplies. The assessment and evaluation must discuss how the data from this study, and any other studies previously completed by the respective respondent, distinguishes between MBE and WBE prime contractors and subcontractors.
3. To utilize the State’s **registered** **bidder list and** a custom census (of available businesses that are available to do business as a contractor for the Lottery, i.e. State of Indiana listing, Dunn and Bradstreet business listing, Mid-States Minority Supplier Development Council, National Association of Women Business Owners, State Educational Institutions, the Greater Indianapolis Chamber of Commerce, the Indy Black Chamber of Commerce, the Hispanic Business Council, the Indiana Asian Chamber of Commerce, the Asian Indian Chamber of Commerce, the Great Lakes Women’s Business Council, the City of Indianapolis, the Indiana Department of Transportation, and any other relevant organization) basis as a starting point for total and MBE/WBE availability as well as a survey of State registered bidders to assess the true availability according to *Richmond v. Croson*, 488 U.S. 469 (1989).
4. Determine and evaluate the availability of MBE and WBE firms in the Lottery’s regional geographic area for the types of procurement/contracting opportunities and activities during the base time period of the evaluation to include the thirteen (13) metropolitan statistical areas (U.S. Bureau of the Census) within the State of Indiana and regional statistical areas.
5. To assess/evaluate the size of the contractors and subcontractors on the utilization and availability of MBEs and WBEs as prime contractors and subcontractors in construction, professional services, and goods and support services contracts by the Lottery.
6. To assess/evaluate the extent of availability of MBEs as prime contractors and subcontractors in construction, professional services, other services, and supplies by the Lottery, by focusing on both overall MBE availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups.
7. Compare and evaluate the extent of Lottery’s policies on utilization in procurement and contracting opportunities based on the impact of the Lottery’s MBE and WBE policies and programs, and the impact outside of such MBE/WBE policies and programs.
8. Investigate and describe prevailing practices in the public and private sectors that could lead to an underutilization of WBE and MBE. If an underutilization is found to exist, document from statistical analysis, survey, anecdotal, and such other relevant and appropriate evidence the extent to which the current utilization of MBE and WBE is reflecting past discrimination (active and/or passive) on the part of the Lottery.
9. To examine, describe and analyze the effect of race and gender-neutral strategies, measures and programs used by the Lottery.
10. To assess/evaluate the extent of availability of WBEs as prime contractors and subcontractors in construction, professional services, other services, and supplies by the Lottery, by focusing on both overall WBE availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups.
11. To assess/evaluate the extent of availability of MBEs, that are also WBEs, as prime contractors and subcontractors in construction, professional services, other services, and supplies, by the Lottery, by focusing on both overall MBEs, that are also WBEs, availability, as well as individual ethnic groups, so that the data is compiled and a disparity analysis is performed for each of the various groups. Evaluate and discuss the issues and methods to properly certify MBEs that are also WBEs, by ethnicity and track such utilization. Under Indiana procurement law a business can only be considered as one certification type for each unique contract.

**Specific work to be performed shall include:**

1. Review and evaluate contracting and procurement policies and procedures of the Lottery including MBE, WBE programs and race-neutral and gender-neutral programs.
2. Define and categorize ready, willing, and able MBE/WBEs for each market sector as prime contractors and subcontractors in construction, professional services, other services, and supplies for regions of the State. Define how the UNSPSC codes play a role in the vendor selection process.
3. Describe incentives the Lottery may use to achieve MBE/WBE utilization goals. Explain if your company made similar recommendations to other states or similar organizations and how these incentives have been implemented. In addition, explain if implemented recommendations were successful and how.
4. For each region of the State and within the relevant market sector(s), develop a business demographics profile showing the number of ready, willing, and able firms owned by non-minorities, women, minorities (broken down by minority group), non-minority women and minority (broken down by minority group) women, with the percentage of the total number of firms that each group represents.
5. Determine the extent to which any identified disparities in the utilization of available M/WBEs by the Lottery are attributable to discrimination.
6. Provide the Lottery with summary findings and key decision points during the process to assure that the requirements of the study are being met. Key findings and progress reports will also ensure that the Lottery receive timely information of any consequential conclusions or problem areas that may need to be addressed, including any adjustment to the scope of work that may be necessary.

**Expected Products**

**The Vendor shall produce the following products:**

1. Timeline of the Study and monthly progress reports. The Vendor shall provide the timeline of the Study and the progress reports on a monthly basis, the Vendor shall provide Lottery with a written report of the progress it has made toward completing its work plan. Lottery may require supporting documentation to verify progress.

2. Formal written report of evaluation and studies prepared consistently with the terms of this Scope of Services. The Vendor shall produce a formal written report of its evaluation and studies covering all tasks in this Scope of Work. The report shall explain Vendor's methodology and approach to the conduct of the evaluation and studies in addition to presenting its findings, conclusions, and recommendations.

3. A formal written report should contain the recommendations and formula to help establish a new five-year goal for the MBE and WBE participation in the procurement of construction, professional services, other services, and supplies.

4. Graphic illustrations are desired where their use would clarify and illustrate findings and conclusions, but the text of the report must explain the findings and conclusions reached. The full final report will be presented as well as an executive summary. The chosen vendor shall provide the Lottery with twelve (12) copies of the final report and executive summary. The final report and executive summary will also be provided in both electronic format using the Microsoft Word 2000 (or newer) platform and on compact disk or USB drive.

5. The chosen vendor will retain all the raw data collected until otherwise instructed by the Lottery in the event that the Lottery would later require an additional analysis of the data should its program be challenged. The chosen Vendor shall submit all raw and analyzed data to Lottery upon request.