



## Department of Construction Services

### Consultant Diversity Policy

#### Purpose

The Department of Construction Services ("DCS" or the "Department") is committed to inclusion, equal opportunity and diversity in all aspects of its operations. This policy outlines the efforts that the Department undertakes to support these commitments with regard to the Department's On-Call Consultant contracts. These efforts also help the Department meet its supplier diversity goals as outlined in Conn. Gen. Stat. § 4a-60g, which provides that, with certain exceptions, DCS and other state agencies must set aside at least 25% of its contract spend for award to Small Business Enterprises (SBEs) and at least 6.25% of its contract spend for award to Minority Business Enterprises (MBEs).

#### Background

Under Chapter 60 of the Connecticut General Statutes, DCS is responsible for overseeing the remodeling, alteration, repair or enlargement of all real assets of the State, with certain statutory exemptions. DCS has specific statutory authority to select consultants for the purpose of providing any consultant services associated with these capital alterations or repairs. Conn. Gen. Stat. § 4b-51(d) provides:

Notwithstanding any provision of the general statutes, the Commissioner of Construction Services may select consultants to be on a list established for the purpose of providing any consultant services. Such list shall be established as provided in sections 4b-56 and 4b-57. The commissioner may enter into a contract with any consultant on such list to perform a range of consultant services or to perform a range of tasks pursuant to a task letter detailing services to be performed under such contract. . . .

In order to facilitate the efficient selection of consultants, particularly for smaller and more frequent alterations and repairs required on state facilities, DCS establishes a number of "On-Call Consultant" contracts. Specifically, DCS establishes On-Call Consultant contracts for a variety of consultant services disciplines, and selects three or more qualified firms, in accordance with state law and agency procedures, for each On-Call contract. Consultant services for which On-Call contracts are established include

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such disciplines as Architects, Civil Engineers, Structural Engineers, Environmental Engineers, etc. Each On-Call Consultant contract has a set maximum total contract fee, and is generally established for a period of two years.

When DCS requires consultant services to remodel, alter, repair or enlarge a state facility, if the work is estimated to cost less than the On-Call maximum fee, a consultant on the relevant On-Call Consultant contract is appointed to do the work. An On-Call Contract Task Letter is written and executed separately with the chosen consultant to specify the specific scope of work required for the task, the expected timeline, and the fee.

The list of firms that have been selected for On-Call Consultant contracts in recent years suggests that minority-business enterprises have been underutilized in this area. MBEs comprise less than 10% of all the vendors selected for On-Call contracts overall, and the vast majority of On-Call Consultant contracts do not include any MBE firms. Moreover, it appears that the many of the same consultant firms continue to be selected for On-Call contracts as these contracts expire and are re-bid. There are numerous firms that are certified with the state as MBEs in most of the disciplines for which On-Call Contracts are administered. As a result of these findings, DCS strives to broaden the range of firms on its On-Call Consultant contracts and include more MBE participation on these contracts, where possible.

## **Procedures**

### **1. New On-Call Contract Opportunities**

DCS has established two new On-Call Consultant contracts for (1) architectural, and (2) civil engineering services required on minor capital projects. Since there are numerous MBE-certified firms who provide services in these two disciplines, DCS will set aside these two contracts solely for participation by Connecticut MBEs, certified by the Department of Administrative Services ("DAS"). Prior to advertising these contracts, DCS will review the terms and conditions of such contracts and assess whether such contracts contain any requirement that may pose a barrier to SBE or MBE participation. If such barriers exist, and are able to be removed without exposing the Department or the State to potential harm or legal liability, DCS will remove such provisions from the contract.

### **2. Outreach**

DCS is required by law to post all solicitations for On-Call Consultant services on the State Contracting Portal, and "by advertisements inserted at least once in one or more newspapers having a circulation in each county in the state." In addition to such postings, DCS will undertake additional outreach efforts for its

On-Call Consultant contract solicitations to encourage broader and more diverse participation on these contracts. Specifically, when preparing to bid or re-bid any On-Call Consultant Contract, DCS will contact the DAS Supplier Diversity Unit and the Department's Affirmative Action Officer ("AAO") to seek assistance with publication of the contract solicitation to organizations that may help broadcast the contract opportunity to underutilized, qualified MBE firms.

**3. Micro- Businesses**


DCS has modified its On-Call Consultant contract selection procedures to grant additional points to "micro-businesses" as defined under 4a-59(c).

**4. Set-Aside Procedures**

DCS will strive to achieve MBE participation on each of its On-Call Consultant contracts, if possible.

Upon the bid or re-bid of any such contract that is not fully set aside, DCS will consult with the DAS Supplier Diversity Unit to determine how many DAS-certified MBEs exist who may be able to perform the required consultant services. If there appears to be a sufficient number of qualified MBEs in the required discipline to ensure competition, DCS will state in its advertisements and contract solicitation documents its intention to include DAS-certified MBE consultants on the contract.

DCS will follow its existing selection procedures to evaluate bids/proposals submitted for each On-Call contract solicitation. If, after undertaking the additional outreach efforts, no MBE firm is on the list of firms to be recommended for selection for the On-Call contract, DCS will select the highest-scoring MBE for award, as long as such firms are qualified to perform the required services and can meet all required contract terms and conditions.

  
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Donald J. DeFronzo  
Acting Commissioner

4/5/13  
Date

  
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Pasquale J. Salemi  
Deputy Commissioner

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Date