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Title: CONSIDER AWARDING AND APPROVING CONTRACT SERVICES AGREEMENTS TO LEAL TREJO, APC, LAW OFFICE OF ROBERTA M. YANG, P.C., AND BATZA & ASSOCIATES, INC., AND CONTRACT AMENDMENTS TO HARRIS & ASSOCIATES AND BOUCHER LAW, FOR PROVISION OF ON-CALL EMPLOYEE RELATIONS INVESTIGATION SERVICES (CITY COUNCIL)

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Attachments: 1. RFQ 20-015 WORKPLACE INVESTIGATION SERVICES, 2. RFQ Workplace Investigation Combined Score Sheet (09 1 20), 3. Workplace Investigator Contract - Roberta Yang (9 1 20), 4. Workplace Investigator Contract - Leal Trejo APC, 5. Workplace Investigator Contract - Batza & Associates (9 1 20), 6. Harris and Associates Contract Amendment No. 1 (9 1 20), 7. Boucher Law Amendment No. 1 (9 1 20)

Date	Ver.	Action By	Action	Result
9/1/2020	1	City Council		
9/1/2020	1	City Council		

Report to Mayor and City Council

Tuesday, September 01, 2020

Consent

SUBJECT:

CONSIDER AWARDING AND APPROVING CONTRACT SERVICES AGREEMENTS TO LEAL TREJO, APC, LAW OFFICE OF ROBERTA M. YANG, P.C., AND BATZA & ASSOCIATES, INC., AND CONTRACT AMENDMENTS TO HARRIS & ASSOCIATES AND BOUCHER LAW, FOR PROVISION OF ON-CALL EMPLOYEE RELATIONS INVESTIGATION SERVICES (CITY COUNCIL)

I. SUMMARY

The City has utilized various third-party consultants for employee relations investigations and related matters in the past. However, the City’s need for such services has substantially increased in recent months as several new matters requiring third party investigation services have arisen, beginning in the summer of 2019. Some of these matters were submitted to Human Resources, and others were submitted to the City Council anonymously.

To meet the increased demand, after soliciting interest from investigators recommended by the City Attorney's Office or senior staff in other cities, two firms were retained under City Manager contract authority. Although the applicable contract sum maximums have not been exhausted, to be able to obtain additional services, pursuant to the City's purchasing ordinance, staff issued a Request for Qualifications ("RFQ") to retain a new on-call panel of firms with sufficient funding authorization to allow for performance of the necessary professional services on an on-call basis for a sustained period of time moving forward.

Staff issued the RFQ (Exhibit No. 1), received and evaluated the 15 offers received in response (Exhibit No. 2), and based thereon, now recommends that the City Council award contract service agreements (or amendments, as applicable) to the following firms to establish a panel of on-call employee relations investigation firms: (i) Leal Trejo, APC; (ii) Boucher Law; (iii) Law Office of Roberta M. Yang, P.C.; (iv) Harris & Associates; and (v) Batza & Associates, Inc.

The proposed award to each recommended firm would be a contract services agreement for an initial term of three years at a not-to-exceed contract sum of \$75,000, with City options to extend the term of each agreement for up to two additional one-year periods thereafter (at a compensation limit of \$25,000 for each annual extension period); however, because two of the recommended firms, Harris & Associates and Boucher Law, are under existing contracts, the existing contracts would be amended in lieu of approving new contracts for those firms.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE the proposed Contract Service Agreements for: (i) Leal Trejo, APC; (ii) Law Office of Roberta M. Yang, P.C.; and (iii) Batza & Associates, Inc., for not-to-exceed contract sum(s) of \$75,000 each over an initial three-year contract term, with two optional one-year extension periods thereafter (at City's option, and subject to a limit of \$25,000 per annual extension term for each contract) for the provision of on-call employee relations investigation services; (Exhibit No. 3); and
2. APPROVE the proposed Amendments No. 1 to the Contract Service Agreements for: (i) Harris & Associates; and (ii) Boucher Law, increasing the contract sums by \$75,000 each and extending the contract term of each agreement for an additional three years from the date of execution of the amendment, with two optional one-year extension periods thereafter (at City's option, and subject to a limit of \$25,000 per annual extension term for each contract) for the provision of on-call employee relations investigation services; (Exhibit No. 3); and
3. AUTHORIZE the Mayor to execute all of the above-referenced agreements after approval as to form by the City Attorney.

III. ALTERNATIVES

The City Council may take other action deemed appropriate.

IV. BACKGROUND

Over an eight-month period beginning in mid-2019, the number of pending City employee relations investigations requiring third party services grew significantly. Because staff had expected that the costs would be within the contract maximums of the two investigator firms presently under City Manager approved contracts (Boucher Law and Harris & Associates), the investigations were initially assigned to them. However, due to City Manager purchasing authority limitations, the existing contracts have insufficient funding authorization to cover the costs of the necessary services. An RFP was issued in compliance with the City's purchasing ordinance, to enable the City to award new contracts with higher approved contract sums to a panel of firms that can provide the City with the necessary professional services on an on-call basis.

Carson Municipal Code (CMC) Section 2611(c) applies to the procurement of professional services of attorney(s) or other providers of professional services involving a high degree of technical or individual skill, and provides that the procurement shall be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement. Offerors shall provide evidence that the person or firm carrying out contract responsibilities possesses the expertise and experience to perform the requisite professional services.

Pursuant to CMC Section 2611(c), staff issued a Request for Qualifications ("RFQ") (Exhibit No. 1) and obtained 15 responses with quotes/offers for services (7 responses from attorney firms and 8 responses from non-attorney firms). Consistent with Section 2611 (c), staff evaluated the responses based upon the criteria of quality of proposal, investigation approach, staff, and pricing. The scorecard reflecting staff's evaluation is attached (Exhibit No. 2).

The recommended firms are the four highest-rated attorney firms (Leal Trejo, APC, Boucher Law, Law Office of Roberta M. Yang, P.C. and Harris & Associates, rated in that order), and the one highest rated non-attorney firm (Batza & Associates). Given the demand for attorney services and based upon the scoring, Staff recommends having multiple attorney firms on call in order to have a variety of options to ensure all of the City's needs can be met, including with respect to expertise, availability and objectivity. Staff also recommends having a non-attorney-firm option as there may be situations where the nature of the investigation does not require an attorney and thus can be performed at a lower rate. Non-attorney investigation services might include surveillance, record searches, background checks, and skip traces, whereas attorney firms perform full scope investigations, conduct interviews, and issue legal opinions and recommendations, which must be defensible in a court of law.

The proposed contracts for Leal Trejo, APC, Law Office of Roberta M. Yang, P.C. and Batza & Associates provide for an initial term of three years, with City options to extend the term for up to two additional one-year terms thereafter, for a total potential contract term of five years for each firm. The contract sum for each firm would be limited to \$75,000 over

the initial three-year term, plus up to \$25,000 for any optional extension period exercised.

The proposed agreements with Harris & Associates and Boucher Law would mimic the aforementioned terms, but in the form of amendments to the existing contracts that are in place with these firms. The existing agreements have some approved funding left (approximately \$3,000 for Harris & Associates and \$20,000 for Boucher Law), and are not set to expire until November of 2020 (for Harris & Associates) and February of 2021 (for Boucher). Thus, it makes more sense to amend the existing agreements rather than terminate them and enter into new agreements with the same firms for the same services. For uniformity of timing with the proposed new contracts (Leal Trejo, APC, Law Office of Roberta M. Yang, P.C. and Batza & Associates), the proposed contract amendments would extend the term for three years from the date of full execution thereof, rather than from the existing contract expiration dates. Thus, if the City executes the agreements with all five proposed firms at the same time, they will all expire concurrently as well.

All recommended firms would perform the professional services at hourly rates, which range from \$250-\$300/hour during the initial three-year term for the attorney firms and which are \$130/hour for the non-attorney firm. (Exhibits No. 2, 3).

V. FISCAL IMPACT

No impact to the general fund budget. Funds for these services are budgeted in Account #101-65-680-101-6004.

VI. EXHIBITS

1. RFQ (pgs. 4-38)
2. Rating Worksheet (pg. 39)
3. Proposed Contracts (pgs. 40-175)
 - a. Contract Services Agreement - Law Offices of Roberta M. Yang, P.C.
 - b. Contract Services Agreement - Leal Trejo, APC
 - c. Contract Services Agreement - Batza & Associates, Inc.
 - d. Amendment No. 1 to Contract Services Agreement - Harris & Associates
 - e. Amendment No. 1 to Contract Services Agreement - Boucher Law

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