



## Legislation Text

File #: 2024-0037, Version: 1

### Report to Mayor and City Council

Tuesday, February 06, 2024

Consent

#### **SUBJECT:**

**CONSIDER AWARDING AND APPROVING CONTRACT SERVICES AGREEMENTS WITH STAFFORD HR CONSULTING, ATKINSON ANDELSON LOYA RUUD ROMO, AND SHAW LAW GROUP 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, including retaining an on-call panel of firms.

Staff recently issued a Request For Proposals (RFP #2023-038) and an internal panel evaluated the 15 proposals received in response. Staff now recommends that the City Council award contract service agreements to the two highest rated attorney firms, Atkinson, Andelson, Loya, Ruud & Romo, a Professional Law Corporation, and Shaw Law Group, PC, and the one highest rated non-attorney firm, Stafford HR Consulting, LLC.

#### **II. RECOMMENDATION**

1. APPROVE the proposed Contract Services Agreement with Stafford HR Consulting, LLC for a not-to-exceed Contract Sum of \$85,000 over an initial three-year contract term, with two optional one-year extension periods available to City thereafter, for the provision of on-call employee relations investigation services (Exhibit No. 1; Stafford Contract”);
2. APPROVE the proposed Contract Services Agreement with Atkinson, Andelson, Loya, Ruud & Romo, a Professional Law Corporation, for a not-to-exceed Contract Sum of \$85,000 over an initial three-year contract term, with two optional one-year extension periods available to City thereafter, for the provision of on-call employee relations investigation services (Exhibit No. 3; “AALRR Contract”);
3. APPROVE the proposed Contract Services Agreement with Shaw Law Group, PC for a not-to-exceed Contract Sum of \$85,000 over an initial three-year contract term, with two optional one-year extension periods available to City thereafter, for the provision of on-

call employee relations investigation services (Exhibit No. 5; “Shaw Law Group Contract”); and

4. AUTHORIZE the Mayor to execute the Stafford Contract, the AALRR Contract, and the Shaw Law Group Contract, after approval as to form by the City Attorney.

1.

### **III. ALTERNATIVES**

The City Council may take other action deemed appropriate.

### **IV. BACKGROUND**

The City has utilized various third-party consultants for employee relations investigations and related matters in the past. As an initial measure, in 2019 staff solicited interest from investigators recommended by the City Attorney’s Office or senior staff in other cities, and two firms were retained under City Manager contract authority. Subsequently, pursuant to City Council direction and in accordance with the City’s purchasing ordinance, staff issued a request for proposals to retain an on-call panel of firms.

In 2020, Staff issued a request for proposals, evaluated 15 proposals received in response using an internal panel, and on October 6, 2020, recommended that the City Council award contract service agreements to the two highest rated attorney firms (Harris & Associates, Inc. and Boucher Law) and the one highest rated non-attorney firm (Batza & Associates, Inc.).

Staff now returns to City Council after conducting a current Request For Proposals (RFP #2023-038) and evaluating the proposals received according to the criteria set forth in the RFP (page 7 of Exhibit No. 7). As professional services solicited pursuant to RFP, the award is not required to be made to the “lowest responsible and responsive bidder” per CMC Section 2610(i). See CMC Section 2611(b),(c).

Staff recommends that the City Council award contract service agreements to the two highest rated attorney firms, Atkinson, Andelson, Loya, Ruud & Romo, a Professional Law Corporation, and Shaw Law Group, PC, and the one highest rated non-attorney firm, Stafford HR Consulting, LLC, according to staff’s evaluation. These firms’ proposals submitted in response to the RFP are attached to this report as Exhibits 4, 6, and 2, respectively.

The recommended award to the non-attorney firm, Stafford HR Consulting, would be via the approval of the attached proposed Stafford Contract (Exhibit 1). The proposed Contract Sum is a not exceed amount of \$85,000 over an initial term of three (3) years, with two (2) City one-year options to extend. The services will be billed at the hourly rates specified in Exhibit “C-1” of the contract, which are summarized as follows: \$200-\$250 per hour for investigators (specific rates apply for specific investigators) and \$125/hour for administrative assistant. Rates would remain the same during any extension period per City’s options to extend.

The recommended award to the law firm Atkinson, Andelson, Loya, Ruud & Romo, a Professional Law Corporation, would be via the approval of the attached proposed AALRR Contract (Exhibit 3). The proposed Contract Sum is a not to exceed amount of \$85,000 over an initial term of three (3) years, with two (2) City one-year options to extend. The services will be billed at the hourly rates specified in Exhibit "C-1" of the contract, which are summarized as follows: \$300-\$425 per hour for investigators (specific rates apply for specific investigators) and \$200 per hour for Law Clerk/Paralegal. Rates would remain the same during any extension period per City's options to extend.

The recommended award to the law firm Shaw Law Group would be via the approval of the attached proposed Shaw Law Group Contract (Exhibit 5). The proposed Contract Sum is a not exceed amount of \$85,000 over an initial term of three (3) years, with two (2) City one-year options to extend. The services will be billed at the hourly rates specified in Exhibit "C-1" of the contract: \$395 per hour for the first contract year, \$405 per hour for the second contract year, and \$415 per hour for the third contract year and any extension period per City's options to extend.

## **V. FISCAL IMPACT**

No impact. Funds for these services are budgeted in GL Account 101-65-680-101-6004

## **VI. EXHIBITS**

Exhibit 1 - Stafford Contract (pgs.4-31)

Exhibit 2 - Stafford Proposal (pgs.32-58)

Exhibit 3 - AALRR Contract (pgs.59-87)

Exhibit 4 - AALRR Proposal (pgs.88-129)

Exhibit 5 - Shaw Law Group Contract (pgs.130-156)

Exhibit 6 - Shaw Law Group Proposal (pgs.157-174)

Exhibit 7 - Request For Proposals (RFP) #23-038 (pgs.175-206)

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