



Legislation Details (With Text)

File #:	2021-185	Version:	1	Name:	
Type:	Consent	Status:		Agenda Ready	
File created:	2/22/2021	In control:		City Council	
On agenda:	3/16/2021	Final action:			
Title:	CONSIDER AWARDING AND APPROVING AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT WITH BOUCHER LAW (C-20-021); FOR PROVISION OF ON-CALL EMPLOYEE RELATIONS INVESTIGATION SERVICES (CITY COUNCIL)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Boucher Law Agreement Executed (2 10 20), 2. Boucher Law Amendment No. 1 Contract (2 10 21) CB signed, 3. Boucher Law Amendment No. 2 (3 16 21), 4. RFQ 20-015 WORKPLACE INVESTIGATION SERVICES, 5. Internal Panel Rating Worksheet, 6. External Panel Updated Rating Worksheet				

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, March 16, 2021

Consent

SUBJECT:

CONSIDER AWARDING AND APPROVING AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT WITH BOUCHER LAW (C-20-021); 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. 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, including Boucher Law, were retained under City Manager contract authority (Exhibit No. 1). Subsequently, pursuant to City Council direction and in accordance with the City's purchasing ordinance, staff issued a Request for Qualifications ("RFQ") to retain on-call attorney and non-attorney investigator firms (Exhibit No. 4).

Staff issued an RFQ on June 4, 2020, and evaluated the proposals received in response using internal and external panels. On December 1, 2020, the City Council approved the contract for the highest rated non-attorney firm, Batza & Associates. At that time, the City Council also approved Amendment No. 1 for Boucher Law, an attorney firm currently under

contract with the City, provisionally awarding \$25,000 (Exhibit No. 2) and requested that Staff return with a final recommendation for an on-call attorney firm. Staff is now returning with the recommendation to award the contract to Boucher Law, the attorney investigator firm with the highest rating by the External Panel, based upon the stated terms in the RFP.

II. RECOMMENDATION

1. APPROVE the proposed Amendment No. 2 to the Agreement for Contract Services with Boucher Law, increasing the contract sum of the existing contract by \$200,000 over the initial term of the Agreement as extended pursuant to Amendment No. 1 (until February 10, 2024), with two optional one-year extension periods thereafter (at City's option, and subject to a limit of \$75,000 per annual extension period), for the provision of on-call employee relations investigations services (Exhibit No. 3, the "Boucher Amendment No. 2"); and

2. AUTHORIZE the Mayor to execute the Boucher Amendment No. 2, after approval as to form by the City Attorney.

1. ALTERNATIVES

The City Council may take other action deemed appropriate, subject to compliance with applicable law.

2. BACKGROUND

Over an eight-month period beginning in mid-2019, there were a number of pending City employee relations investigations requiring third party services. The investigations were initially assigned to two investigator firms retained under City Manager contract authority. Subsequently, an RFQ was issued in compliance with the City's purchasing ordinance to enable the City to award new contracts with higher approved contract sums to one or more attorney and non-attorney investigator firms that can provide the City with the necessary professional services on an on-call basis.

Pursuant to CMC Section 2611(c), staff issued the RFQ and is now recommending attorney firm Boucher Law as it will provide the City with the requisite expertise, availability, and objectivity, at a fair and reasonable price in accordance with CMC Section 2611(c). Boucher Law was the second-highest rated attorney firm according to the Internal Panel Rating Worksheet that was initially presented to the City Council by staff (Exhibit No. 5); at City Council direction, the proposing firms were then evaluated by an External Panel comprised of a public sector Director of Human Resources and a private sector attorney and public sector City Attorney experienced in employee investigations. Boucher Law was the highest rated attorney firm according to the External Panel Rating Worksheet (Exhibit No. 6).

3. FISCAL IMPACT

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

4. EXHIBITS

1. Boucher Law Amendment (pgs. 3-18)
2. Boucher Law Amendment No. 1 (pgs. 19-23)
3. Boucher Law Amendment No. 2 (pgs. 24-28)
4. RFQ (pgs. 29-63)
5. Internal Panel Rating Worksheet (pg. 64)
6. External Panel Rating Worksheet (pg.65)

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