



Legislation Text

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Report to Mayor and City Council

Tuesday, June 23, 2020

Discussion

SUBJECT:

**APPROVE CONTRACT AMENDMENT NO. 1 WITH HARRIS & ASSOCIATES FOR
EMPLOYEE RELATIONS INVESTIGATION (CITY COUNCIL)**

I. SUMMARY

The City has utilized various third-party attorneys and investigators for employee investigations and other matters in the past. Because several investigations were required starting in the summer of 2019 that were submitted to Human Resources and others that were submitted to the City Council anonymously. Because there were no on-call investigators, Staff sought the services of an attorney investigator under the City Manager's contract authority. Several of the investigators recommended by the City Attorney's Office or senior staff in other cities turned down the opportunity saying they were unwilling to indemnify the City as required in our professional services agreement and/or were not available to take on additional cases.

Staff was able to secure two external third-party attorney investigators under the City Manager's contract authority to address needs that required immediate attention. The earliest of these two contracts (with Harris and Associates) was not fully executed until December 2019 (per Exhibit No. 1 as presented at the January 14, 2020 City Council meeting) with work initiated on January 15, 2020; and the second one was executed in February 2020. Both investigators have received assignments.

Harris and Associates (Harris) has been assigned four investigations (one has required more effort than expected and is partially complete; the other three are almost complete). It would be inefficient to switch to another attorney investigator at this time. Staff is requesting approval of Amendment No. 1 to the Harris contract. The Amendment allows the attorney to continue with the current investigations. Based upon the time and research required, certain work has caused Harris to reach the maximum contract amount. The Amendment does not extend the contract term, a one-year period that expires on November 18, 2020.

At the January 14, 2020 City Council meeting, the City Council requested that an RFQ be conducted. The request was made to the Purchasing Department on January 15, 2020. Due to a number of factors including the Purchasing Department's 3 staff shortages, Tyler Munis Go-Live and COVID-19 needs, an RFQ for future attorney and non-attorney on-call services was not able to be finalized and released until June 4, 2020. More specific information is being gathered to provide further detail on when the work on the RFP was initiated.

II. RECOMMENDATION

TAKE the following actions:

1. APPROVE CONTRACT AMENDMENT NO. 1 TO THE CONTRACT WITH HARRIS AND ASSOCIATES FOR EMPLOYEE RELATIONS INVESTIGATIONS COMMENCING JUNE 17, 2020, WHICH INCLUDES INCREASING THE CONTRACT BY \$40,000 FOR A TOTAL CONTRACT AMOUNT OF \$64,999 (CITY COUNCIL)
2. AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY.

III. ALTERNATIVES

TAKE any action deemed appropriate.

IV. BACKGROUND

The Carson Municipal Code Section 2611(c) allows the procurement of professional services, attorney(s) or other providers of professional services. Before contracting with the two attorney investigators, staff obtained quotes for services and made selections based upon demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services and a fair and reasonable price.

Over an eight month period, the number of investigations requiring third party services had grown significantly and, because we expected that the costs would be within the contract maximums of the two investigators under contract, the investigations were assigned to them. One of the urgent investigations that the City Council asked staff to move forward with expeditiously at the City Council meeting on February 18, 2020, was the City's Emergency Generator.

Staff placed Item No. 2019-1109 on the January 14, 2020 agenda to consider contracts for on-call employee relations investigators including Harris and Associates. After further consideration, the City Manager requested that the Item be continued to another time.

Council requested that the item be continued and that an RFQ be conducted. The RFQ request was made to Purchasing on January 15, 2020 and released on June 4, 2020 for future attorney and non-attorney on-call services. It is tentatively scheduled to be presented to City Council on July 21, 2020. The contract execution, notice to proceed and contract start date is tentatively scheduled for August 1, 2020.

V. FISCAL IMPACT

The cost to cover the investigation work that will occur this fiscal year is included in the budget. The costs of FY 20/21 employee investigation services will be included in the Human Resources proposed budget.

VI. EXHIBITS

1. Harris & Associates Contract (pgs. 4-21)
2. Harris & Associates Contract Amendment No. 1 (pgs. 22-26).

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