



Legislation Text

File #: 18-0408, **Version:** 1

Human Resources Department and County Counsel recommending the Board:

- 1) Approve the retroactive Amendment I to Agreement for Services 398-S1610 (Fenix 758) with Renne Sloan Holtzman & Sakai, LLP to increase the not to exceed amount of the agreement by \$100,000, for a new total not to exceed amount of \$164,000, for services rendered during the contract period; and
- 2) Authorize the Chair to execute the Agreement Amendment. (Est. Time: 5 Min.)

FUNDING: Health and Human Services Agency.

DEPARTMENT RECOMMENDATION

Human Resources Department and County Counsel recommending the Board:

- 1) Approve the retroactive Amendment I to Agreement for Services #398-S1610 (Fenix #758) with Renne Sloan Holtzman & Sakai, LLP to increase the not to exceed amount of the agreement by \$100,000, for a new total not to exceed amount of \$164,000, for services rendered during the contract period; and
- 2) Authorize the Chairman to execute the Agreement Amendment.

DISCUSSION / BACKGROUND

In April 2016, the County entered into an Agreement for Services (Agreement) with Renne, Sloan, Holtzman & Sakai, LLP (contractor) in the amount of \$64,000. The scope of services included the contractor agreeing to furnish the personnel and equipment necessary to provide all reasonable necessary professional legal services on an "as requested" basis for the purpose of advising and representing the County in employment and labor relations matters.

At the request of the County, the contractor conducted two complex workplace investigations, which were conducted sequentially. Due to the complexity of the investigations, the legal aspects of the investigations were overseen by the County Counsel Department. While the investigations were in progress, the County addressed an invoice discrepancy with the contractor; this discrepancy took several months to resolve and resulted in a credit to the County. At that time, the contractor advised the County that the depth of the investigations were expanded and were estimated to exceed the scope of the current Agreement amount. In response, the County requested an estimate of additional work in order to process an appropriate amendment to the Agreement. Since the employee who was the subject of one of the investigations was on paid administrative leave, the investigations proceeded even though it was recognized that the final invoice would exceed the contract amount.

The County has since received the final invoices from the contractor for the two investigations conducted during the contracted period. The total amount of the invoices for the two investigations is \$164,000. As stated above, the two investigations were complex and required the need to interview a total of twenty-two (22) witnesses and resulted in reports of one hundred eighty (180) pages. Because the amount exceeded the original agreement amount, the Human Resources Department is requesting this amendment to the Agreement.

The original Agreement amount was for \$64,000 and the Agreement is set to expire on March 31, 2018. The overall amount due to the contractor is \$100,000. Upon Board approval, this amendment will result in the amended Agreement with a not to exceed amount of \$164,000. Upon paying the contractor's final invoices, the Agreement will not be renewed.

Additionally, the Human Resources Department is in the process of updating the investigation process and tracking tools used to ensure Agreements are closely monitored, timely, and amendments are requested in advance of exceeding the contract value. It is the expectation that the Fenix reporting functionality will assist in these efforts. In addition, the Human Resources Department is working with the Contracts and Procurement Division on a Request for Quote (RFQ). The purpose of the RFQ is to solicit an updated list of available vendors and communicate new expectations concerning administrative aspects of investigations, such as timeframes for completion and regular updates to discuss the scope of work and cost.

ALTERNATIVES

The Board could choose to deny the amendment request which would result in the contractor not being paid for services rendered during the contracted period, which in turn could subject the County to litigation.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Procurement & Contracts and County Counsel

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The additional \$100,000 is to be funded through a direct charge to the Health and Human Services Agency. Sufficient funding is available within the Adopted FY 2017-18 Budget to fund this additional expense.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Following Board approval, the Board Clerk will forward three (3) executed originals of the Agreement Amendment to Misty Garcia in Human Resources for distribution and administration.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Tameka Usher, Director of Human Resources