



Legislation Text

File #: 18-1163, **Version:** 1

Human Resources recommending the Board consider the following:

- 1) Make findings that it is more feasible and economical to engage an outside contractor for the provision of specialized personnel services in accordance with Ordinance 3.13.040;
- 2) Approve and authorize the Chair to sign Agreement 3198 with Municipal Resource Group, LLC to provide professional employee investigations and mediation, for the period of August 17, 2018, through August 16, 2021, for a total not to exceed amount of \$210,000; and
- 3) Authorize the Purchasing Agent to execute Amendments which do not increase the maximum obligation or term of the Agreement.

FUNDING: General Fund and non-General Fund.

DISCUSSION / BACKGROUND

Human Resources receives complaints of alleged misconduct in the workplace, including discrimination, harassment, and retaliation by County employees. Pursuant to Section 111.2 of the County Personnel Rules, Code of Ethics, Commitment to County Public Service, and Respectful Workplace, Human Resources receives and provides for investigations of these complaints. The department has contracted with outside vendors when special skills and qualifications are involved in the performance of the work, when it is necessary to protect against a conflict of interest and obtain an outside perspective to make independent and unbiased findings, or when it is otherwise necessary to ensure a prompt and thorough investigation and resolution of the complaints filed. The nature of the work involves temporary, occasional, and urgent services.

Currently, the County has only one contract for as-needed investigation and mediation services. This agreement is with Municipal Resource Group and is set to expire on August 16, 2018.

Selection Process

In April 2018, at the request of Human Resources, the Procurement and Contracts Division of the Chief Administrative Office issued a Request for Qualifications (RFQ) with rates for Investigation and Mediation Services. Ten (10) responses were received and considered qualified. Human Resources evaluated the responses and selected six (6) respondents to be placed on a short list. One of the six respondents placed on the list is Municipal Resource Group, LLC. The RFQ process was conducted in accordance with County Policy C-17.

The agreement with MRG is the first of these agreements to come before the Board. MRG was recently conducting an investigation, and as noted above the County has no other contracts in place for this type of work. In order to ensure that Human Resources has a wide variety of vendors with different areas of specialty, the department will be bringing forward contracts with the remaining five selected respondents for Board review and approval.

ALTERNATIVES

The Board could choose to not approve this contract and instead allocate additional personnel and funding for the hiring and development of additional internal workplace investigators and mediators.

However, given the sporadic nature of complaints and the need for sufficient availability of external investigators and mediators when subject matter expertise, conflicts of interest, or potential litigation issues arise, this alternative is not recommended.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Procurement and Contracts Division of the Chief Administrative Office
County Counsel and Risk Management reviewed and approved this draft agreement.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no change in Net County Cost. The current agreement with this vendor, which expires August 16, 2018, also has a not to exceed (NTE) compensation of \$210,000 (Legistar # 16-0466, on agenda 05/17/2016); though this successor agreement includes the new provision of mediation services, Human Resources is not increasing the NTE based on projected service needs from this vendor.

Pursuant to prior approval by the Board of Supervisors, Human Resources is continuing the practice of obtaining reimbursement for costs associated with investigations from the department in which the complaint is filed; the respective department(s) reimburse Human Resources from within their allocated resources. Departments also reimburse Human Resources for direct costs borne by Human Resources for mediation services procured for the resolution of associated workplace complaints. Departments from which multiple complaints are filed, or for which complaints are more extensive or complex, will be financially impacted more than others given the increased cost to investigate and resolve such complaints.

For all other specialized personnel services rendered under this agreement, as requested by or for Human Resources, funding for this Agreement is available in the Human Resources budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Following Board approval, the Board Clerk will forward one fully executed original of the Agreement to Procurement and Contracts for distribution and administration.

STRATEGIC PLAN COMPONENT

This action would contribute to the County's Good Governance Goal, making and implementing decisions in accordance with the County's core values (specifically Accountability, Integrity, and Service Excellence), legal requirements and industry best practices.

CONTACT

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