



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 8, 2024

FROM: HUMAN RESOURCES DEPARTMENT WARDS: ALL

SUBJECT: APPROVAL OF A SECOND (2nd) AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH NEVINS PROFESSIONAL INVESTIGATIONS FOR INVESTIGATIVE SERVICES FOR A ONE-YEAR TERM THROUGH JUNE 30, 2025, FOR AN ANNUAL AMOUNT OF \$100,000.

ISSUE:

Approve a Second (2nd) Amendment to the Professional Consultant Services Agreement with Nevins Professional Investigations, to provide investigative services from July 1, 2024 through June 30, 2025, for an annual amount of \$100,000.

RECOMMENDATION:

That the City Council:

1. Approve a Second (2nd) Amendment to the current Professional Consultant Services Agreement with Nevins Professional Investigations, to provide investigative services July 1, 2024 through June 30, 2025, for an annual amount of \$100,000, and
2. Authorize the City Manager, or his designee to execute the Agreement with Nevins Professional Investigations, including any minor, non-substantive changes.

BACKGROUND:

It is the responsibility of the Human Resources Department to respond to and thoroughly investigate employee complaints and facilitate administrative investigations in accordance with City policies and applicable laws. In some instances, the Human Resources will conduct the investigation, and depending on the complexity of the case, an external investigator is assigned. The external investigator conducts administrative investigations involving allegations of, including but not limited to, hostile work environment, harassment, discrimination, retaliation, workplace violence, illegal activity, etc. It is necessary, at times, to seek a contract investigator

where it is a conflict of interest for a City employee to conduct an investigation. In those instances, an outside investigator is utilized to maintain the integrity of the investigative process.

In 2019, the County of Riverside (COR) executed a five-year Agreement with Nevins Professional Investigations expiring on June 30, 2024, and on August 29, 2024, COR Amended that Agreement through June 30, 2025.

On April 20, 2021, City Council approved a piggyback to the COR Agreement in the total contract amount of \$195,000. On November 16, 2021, City Council approved a First Amendment to the Professional Consultant Services Agreement increasing the total contract amount to \$525,000 for administrative investigations services.

DISCUSSION:

Due to increased number of complaints received over the last fiscal year and the need to conduct several investigations, it is necessary for the Human Resources (HR) Department to continue to engage with an outside investigator to work on complex investigations. Over the years, Nevins Professional Investigations has proven to deliver thorough, cost-effect and exceptional investigative services on an "as needed" basis. The COR contract with Nevins Profession Investigations expires on June 30, 2025. Therefore, the HR Department is requesting to extend the Professional Consultant Services Agreement term for a one-year term through June 30, 2025.

Purchasing Resolution 24101, Section 1104. Change Orders. Modifications to a Purchase Order shall be made only by Change Order, except that minor variances of \$200 or less, where the variance is due to sales tax or freight charges may be processed without a Change Order. Subject to the availability of funds, Change Orders may be utilized for purposes of (5) modifying contract completion time or the term of a Contract.... (d) A Contract amendment which extends the term of the agreement beyond one year of the original expiration date.

The Purchasing Manager concurs that the recommendation action is in compliance with Purchasing Resolution No. 24101, Section 1104 (5)(d).

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 5 – High Performing Government and Goal 5.1 – Attract, develop, engage and retain a diverse and highly skilled workforce across the entire City organization.**

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Establishing agreements with external investigators allows the City to continue to evaluate egregious complaints involving allegations of employee wrongdoing and ensure the City has employees who abide by policies and applicable laws.

2. **Equity** – Through the assistance of Nevins Professional Investigations all investigations are equitably investigated without bias, per applicable City policies and laws.
3. **Fiscal Responsibility** – The Human Resources Department follows established purchasing and procurement processes to ensure a fair and cost-efficient service is negotiated with consultants/contractors.
4. **Innovation** – Establishing and fostering a strong business relationship with external investigators ensures the City can continue its obligation of conducting seamless and detailed investigations to determine the facts and establish a plan to address inappropriate employee conduct and/or performance.
5. **Sustainability & Resiliency** – Through the partnership with the external investigators, the City is able to continue to investigate employee complaints to ensure accurate fact finding and confidentiality.

FISCAL IMPACT

The total fiscal impact associated with this agreement is not to exceed \$100,000. Funds to cover the costs of the annual compensation amount are budgeted and available in the General Fund, Human Resources Admin, Professional Services 2100000-421000.

Prepared by:	Rene Goldman, Human Resources Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Edward Enriquez, Assistant City Manager/Chief Financial Officer
Approved as to form:	Phaedra Norton, City Attorney

Attachment:

1. Second Amendment to Professional Consultant Services Agreement
2. County of Riverside Contract