



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 16, 2021

FROM: HUMAN RESOURCES DEPARTMENT WARDS: ALL

SUBJECT: FIRST AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH NEVINS PROFESSIONAL INVESTIGATIONS TO INCREASE THE TOTAL CONTRACT AMOUNT TO \$525,000 FOR ADMINISTRATIVE INVESTIGATIVE SERVICES

ISSUES:

Approve the First Amendment to the Professional Consultant Services Agreement with Nevins Professional Investigations to increase the total contract amount from \$195,000 to an amount not-to-exceed \$525,000 for administrative investigative services for the initial agreement term ending June 30, 2024.

RECOMMENDATIONS:

That the City Council:

1. Approve the First Amendment to the Professional Consultant Services Agreement with Nevins Professional Investigations to increase the total contract amount from \$195,000 to an amount not-to-exceed \$525,000 for administrative investigative services for the initial agreement term ending June 30, 2024.
2. Authorize the City Manager or his designee to execute the respective agreements, including making minor non-substantive changes.

BACKGROUND:

In February 2021, the Human Resources Department procured services for employee and labor relations support services in accordance with Purchasing Resolution 23256, Section 702(g). The City Council approved the issuance of a three-year Professional Consultant Services Agreement with Nevins Professional Investigations in the amount not to exceed \$195,000 (or \$65,000 per fiscal year) for investigative services.

As of October 2021, City departments have nearly exhausted the initial contract amount of \$65,000 within the first year of the agreement. Due to various employee and labor relations anomalies, there has been an increase in investigations citywide.

For example, in one investigation, there were 52 total interviews, including witness and subject individuals, and out of the 52 interviews, 11 were subject interviews. The duration for some of the

subject interviews was on average two to four hours. In another investigation, there were 54 total interviews, including witness and subject individuals, and six were subject interviews. In this investigation, the duration for one of the subject interviews was five hours.

Currently, the Employee Relations Division is limited to two staff members who hold the training needed to conduct investigations. Heavily involved investigations, such as those mentioned above, can consume a substantial amount of time, and due to the current workload of the Human Resources Department, it is necessary to assign an external investigator. Other factors, such as the ongoing impacts of the Covid-19 pandemic, have contributed to extra duties for the Human Resources Department, limiting their ability to carry such complex cases. Lastly, due to the sensitive nature and profound allegations, these investigations necessitate a third party's perspective to uphold the public trust.

Spending Summary as of October 13, 2021		
Term	Number of Cases assigned to Nevins Professional Investigations	Total Spent
Year 1 (April 20, 2021 to October 12, 2021)	8	\$64,640.52

Since July 1, 2021, the City has paid \$64,640.52 to Nevins Professional Investigations for services rendered and will continue to provide assistance for City departments in response to complaints and to ensure the health and safety of the City's staff.

DISCUSSION:

The City uses Nevins Professional Investigations to support all phases of confidential employee investigations into allegations of misconduct, discrimination/harassment/retaliation complaints, and violations of policies and procedures. The proposed increase is to ensure that Human Resources staff continues to have the necessary resources and authority to request critical investigative services needed from Nevins Professional Investigations. Due to the services fluctuating, the City must increase the contract amount due to unforeseen required services. The fees provided by Nevins Professional Investigations remain the same and have not increased.

The agreement was previously obtained through Purchasing Resolution 23256 Section 702 (g) which states, Competitive Procurement through the Informal and Formal process shall not be required in any of the following circumstances: ... (g) "When Services can be Procured from a Contractor who offers the same or better price, terms and conditions as the Contractor previously offered as the Lowest Responsive Bidder under Competitive Procurement or negotiations conducted by the City or another public agency, provided that, in the opinion of the Manager, it is in the best interest of the City to do."

The Purchasing Manager concurs that the recommendation is in compliance with Purchasing Resolution 23256.

STRATEGIC PLAN ALIGNMENT:

This council item contributes to the **High Performing Government Strategic Priority, Goal 5.1. Attract, develop, engage, and retain a diverse and highly skilled workforce across the entire City organization** and aligns with each of the Cross-Cutting Threads as follows:

1. **Community Trust** – The City follows a transparent and fair procurement and extension

process by sharing relevant information about all contracts.

2. **Equity** – The services offered through this agreement are used across all departments of the City.
3. **Fiscal Responsibility** – This is the lowest price for critical investigative services and thereby the best value for the City.
4. **Innovation** – This agreement exemplifies that the City continues to develop collaborative partnerships and adaptive, consistent processes.
5. **Sustainability & Resiliency** – Risk is mitigated when subject matter experts are utilized to properly investigate all complaints. This ultimately results in a workforce that is confident that the complaint process was addressed objectively and professionally. An engaged workforce ensures the sustainability of the City.

FISCAL IMPACT:

The total fiscal impact of the action is \$330,000 through Fiscal Year 2023/24. Investigation services will be billed as performed and absorbed in the applicable department's adopted budget. Appropriations for future fiscal years will be included in each Department's Budget submissions for those fiscal years to be presented to the City Council for approval.

Prepared by: Rene Goldman, Human Resources Director
Certified as to
Availability of funds: Edward Enriquez, Chief Financial Officer /Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments: First Amendment to the Professional Services Agreement with Nevins Professional Investigations