



Recommendation for Action

File #: 20-1465, **Agenda Item #:** 38.

3/26/2020

Posting Language

Authorize negotiation and execution of four multi-term contracts to provide investigation and mediation services, with Austin Texas Mediators LLC D/B/A Mediators of Texas (WBE); Concept Development & Planning, LLC (WBE); Lloyd Gosselink Rochelle & Townsend PC; and Lynch Law Firm, PLLC D/B/A Lynch Law Firm (WBE); each for up to five years for total contract amounts not to exceed \$625,000, divided among the contractors.

(Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were met by Lloyd Gosselink Rochelle & Townsend PC and the resulting contract will include 1.68% MBE/WBE combine participation. The subcontracting goals were exceeded by the other contractors with 93% WBE participation for Lynch Law Firm, PLLC D/B/A Lynch Law Firm and 100% WBE participation for both Austin Texas Mediators LLC D/B/A Mediators of Texas and Concept Development & Planning, LLC.).

Lead Department

Purchasing Office.

Client Department(s)

Human Resources Department.

Fiscal Note

Funding in the amount of \$72,917 is available in the Fiscal Year 2019-2020 Operating Budget of the Human Resources Department. Funding for the remaining contract terms are contingent upon available funding in future budgets.

Purchasing Language:

The Purchasing Office issued a Request for Proposals (RFP) 5800 LNH3011 for these services. The solicitation issued on July 1, 2019 and it closed on July 25, 2019. Of the six offers received, the recommended contractors submitted the best evaluated responsive offers. A complete solicitation package, including a log of offers received, is available for viewing on the City's Financial Services website, Austin Finance Online. Link: [Solicitation Documents](https://www.austintexas.gov/financeonline/account_services/solicitation/solicitation_details.cfm?sid=130622)
<https://www.austintexas.gov/financeonline/account_services/solicitation/solicitation_details.cfm?sid=130622>.

For More Information:

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or AgendaOffice@austintexas.gov <<mailto:AgendaOffice@austintexas.gov>>

NOTE: Respondents to this solicitation, and their representatives, shall continue to direct inquiries to the solicitation's Authorized Contact Person: Lynnette Hicks, at 512-974-3349 or Lynnette.Hicks@austintexas.gov <<mailto:Lynnette.Hicks@austintexas.gov>>.

Additional Backup Information:

These contracts will provide investigation services, mediation services, and the review of investigations performed for employees on an as needed basis. Investigative services are provided for workplace related complaints and allegations. Contractors will complete independent investigation reviews of completed internal workplace investigation reports, including supporting evidence related to allegations of City Personnel Policy violations. Contractors will perform mediation services for workplace conflict resolution. The City encourages employees and supervisors to keep lines of communication open and to resolve work-related grievances and concerns informally at the lowest level or following a workplace investigation when possible. The mediation process attempts to mend the working relationship of those involved.

The City is committed to resolving workplace conflicts and complaints. The City has internal processes and procedures where employee complaints and allegations of City Personnel Policy violations are reviewed and investigated by skilled and trained City personnel. There are times complaints and allegations are of such a highly sensitive nature or an appearance that investigation by City personnel is in conflict and it is determined to be in the best interest of the City to seek a third-party contractor. Furthermore, on March 24, 2016, [Resolution No. 20160324-014 <O://Staff/Hicks%20Lynnette/Dept/HRD/FY19/RFP%20Inv%20and%20Med/RCA/Res%20No%2020160324-014.pdf>](https://www.austintexas.gov/Staff/Hicks%20Lynnette/Dept/HRD/FY19/RFP%20Inv%20and%20Med/RCA/Res%20No%2020160324-014.pdf) was adopted by Council and directed the Human Resources Department to create an objective, third-party appeals process for complainants pertaining to allegations of discrimination, harassment, and retaliation for which complainant employees are dissatisfied with the outcome of a workplace investigation, and allow them to appeal the outcome through a third-party review of the investigation.

Austin Texas Mediators LLC D/B/A Mediators of Texas and Concept Development & Planning, LLC are being recommended for the category of mediation services. Lloyd Gosselink Rochelle & Townsend PC and Lynch Law Firm, PLLC D/B/A Lynch Law Firm are being recommended for the categories of independent investigation reviews and investigative services. Three of the recommended contractors are certified as women owned business enterprises with the City.

Authorization of these contracts will allow the City to expeditiously engage qualified and experienced contractors as needed. Currently, the City contracts on an individual basis when the need arises. The process of individually contracting for these services can take several months and delays resolution of investigations and workplace issues. These contracts also set a flat rate for investigation and mediation services, controlling costs. These contracts will be managed by the Human Resources Department, who will work with City departments when the need arises for these services within their department.

This is a new contract. The requested authorization amount is based on department estimates, historical spend, and pricing submitted in response to the solicitation.

An evaluation team with expertise in this area evaluated the offers and scored the contractors as the best to provide these services based on scope of work requirements, background and prior experience, business organization and personnel qualifications, price, local presence and service-disabled veteran business enterprise.

Contract Detail:

<u>Contract Term</u>	<u>Length of Term</u>	<u>Contract Authorization</u>
Initial Term	1 yr.	\$125,000
Optional Extension 1	1 yr.	\$125,000
Optional Extension 2	1 yr.	\$125,000

Optional Extension 3	1 yr.	\$125,000
Optional Extension 4	1 yr.	\$125,000
TOTAL	5 yrs.	\$625,000

Note: Contract Authorization amounts are based on the City's estimated annual usage.
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