

CITY OF RIVIERA BEACH CITY COUNCIL

AGENDA ITEM SUMMARY

MEETING DATE: December 07, 2011

AGENDA ITEM SUMMARY NO. H11-121-1

- AWARDS/ PRESENTATIONS / PETITIONS
- CONSENT
- PUBLIC HEARING
- ORDINANCE ON SECOND READING
- ORDINANCE ON FIRST HEARING

- REGULAR
- RESOLUTION
- DISCUSSION & DELIBERATION
- BOARD APPOINTMENT
- WORKSHOP

TITLE/SUBJECT: AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES TO PERFORM COLLECTIVE BARGAINING AND LABOR RELATIONS SERVICES FOR THE CITY.

RECOMMENDATION / MOTION: The City Council authorizes staff to negotiate contracts for legal services for collective bargaining and labor relations services with the 1st and 2nd ranked firms, Ford & Harrison, LLP of Miami, Florida and McLean & Associates of Tallahassee, Florida.

INTER-DEPARTMENTAL REVIEW & DATE

<ul style="list-style-type: none"> • City Manager • City Attorney <i>PHC 12/1/11</i> • City Clerk <i>AK</i> 	<ul style="list-style-type: none"> Library Marina Police
<p>Community Development</p> <ul style="list-style-type: none"> • Finance <i>KLA</i> 	<p>Public Works</p> <ul style="list-style-type: none"> • Purchasing <i>AK</i>
<p>Fire</p> <ul style="list-style-type: none"> • Human Resources <i>AK 11/30/11</i> 	<p>Recreation & Parks</p> <p>Utilities</p> <p>Other</p>
<p>Information Technology</p>	

APPROVED BY CITY MANAGER: *Ruth L. Jones* DATE: 12-1-11

<p>Originating Dept. <i>Purchasing AK</i></p> <p>User Dept. Human Resources</p> <p>Advertised: Date: May 15, 2011 <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Affected Parties <input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not Required</p>	<p>Costs: \$100,000</p> <p>Current FY: 2011/2012</p> <p>Funding Source:</p> <p><input type="checkbox"/> OPERATING:</p> <p><input type="checkbox"/> CAPITAL</p>	<p>City Council Actions:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/conditions</p> <p><input type="checkbox"/> Denied _____</p> <p><input type="checkbox"/> Tabled to _____</p> <p><input type="checkbox"/> Referred to Staff _____</p> <p>Attachments:</p> <p>1) Resolution</p> <p>2) Committee Recommendation Report</p> <p>3) Written and Oral Scoring</p> <p>4) Tabulation Sheet</p>
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BACKGROUND/SUMMARY:

Consistent with the City of Riviera Beach Procurement Code (Ordinance 2412) a Request for Qualifications (RFQ) was advertised in the "Legal Notices" section of the Palm Beach Post to solicit qualified legal firms to provide collective bargaining and labor relations services for the City.

To provide additional exposure and to ensure maximum competition for the project, it was also advertised on the City's internet web-page.

Four (4) firms responded to the City's RFQ. Submittals were publicly opened and announced on Tuesday, June 14, 2011 at 3:30 p.m. in the Council Chambers.

After members had an opportunity to review each of the four (4) written responses, an evaluation committee consisting of the City Attorney, Human Resources Director, Purchasing Director and Assistant City Manager convened to review and discuss the responses to the City's RFQ for Collective Bargaining and Labor Relations Services. Committee discussions and evaluations were held on Wednesday, July 27, 2011 at 2:30 p.m., in the Human Resources conference room located at 2051 MLK Blvd in Riviera Beach.

Consistent with the terms and conditions established in the solicitation, firms were evaluated and ranked based on the criteria established in the City's RFQ which included the following considerations:

1. QUALITY AND EXTENT OF FIRM'S EXPERIENCE WORKING WITH PUBLIC SECTOR.
2. EDUCATION AND QUALITY OF EXPERIENCE OF TEAM MEMBERS TO BE ASSIGNED TO PERFORM REQUIRED WORK.
3. NUMBER OF PUBLIC SECTOR LABOR CONTRACTS BY PROPOSED TEAM WITHIN THE LAST 3 YEARS.
4. MWBE PARTICIPATION (% OF COMPANY OWNED BY MINORITY)
5. PERCENTAGE OF FIRM'S PRACTICE DEDICATED TO HANDLING EMPLOYMENT CASES.

After sharing their observations and exchanging comments, the committee members scored each response in accordance with their understanding of the evaluation criteria established in the City's public solicitation.

Subsequently, all four (4) firms were invited to discuss their proposals and to present their qualifications to the committee on Tuesday, August 30, 2011. Each firm gave an oral presentation before the committee to discuss their experience, qualifications, approach and understanding of the services requested by the City.

Finally, total average scores for written proposals were tallied. Accordingly, the committee ranks the short-listed firms as follows:

FIRM	RANKING	TOTAL AVERAGE SCORE Including oral interviews	% of MBE PARTICIPATION
Ford & Harrison, LLP	1	97.3	Less than 5%
McLean & Company LLC	2	96	MBE Owned 100%
Glen J. Torcivia & Associates, P. A.	3	95	0 %
Harrell & Wells, P.A.	4	44.3	MBE Owned 100%

Historically, professional services have represented one of the best opportunities for MBEs to do business with the City since the award of such contracts is based upon factors other than price which is the standard for bids. However, the top ranked firm failed to meet the City's 15% MBE participation goal (projected participation is estimated by the Purchasing Department at less than 5% annually).

In consideration of the important role professional services contracts play in the overall fulfillment of the City's established 15% MBE participation goal and since the difference in total overall scores between the first ranked firm **Harrison & Ford (97.3)** and the second ranked firm, **McLean & Company LLC, (96)** a minority owned business is exceptionally close at only 1.3 points out of a total possible score of 100, staff is recommending City Council authorize negotiations with both firms to provide the required services.

Staff is recommending a contract with Harrison & Ford for collective bargaining for Public Safety based upon the experience of the individual team members proposed to be assigned to the negotiations and the anticipated elements of negotiation for the Firefighter and Police contracts.

Ford and Harrison is a national law firm with offices in Miami, Melbourne, Orlando, Tampa and Jacksonville. The firm has approximately 190 attorneys on staff with at least 50 of which have experience in the representation of management in labor relations and collective bargaining.

Moreover, the firm has handled more than 300 union contract negotiations and has represented municipalities, counties, state agencies and educational institutions. Within Florida, the firm has represented the Cities of Melbourne and Panama City, Pinellas and Brevard counties, the Department of Business and Professional Regulations, and the Department of Corrections.

Similarly, a contract is recommended with McLean & Company for collective bargaining services for SEIU (General Employees Union) and PMSA (Supervisor's Unions). This recommendation is based in part on the firm's recent successful negotiations with the supervisor's union and also a desire on the part of staff to facilitate a swift execution of negotiations with SEIU. SEIU negotiations have already begun in earnest with McLean & Company and the firm has specific experience regarding many prevailing contract issues and useful insights into current negotiation dynamics which should produce efficient results and save the City both time and money. While on the other hand, PMSA has completed negotiations for Fiscal Year 2011 – 2012.

McLean & Company is a minority based business with an office in Tallahassee, Florida. The firm has over thirty (30) years experience specializing in public sector collective bargaining and labor relations. The firm's principal has an accomplished public sector background having served in the capacities of Mayor, City Commissioner, City Attorney and City Manager all of which provides the firm an exceptional understanding of the many challenges and issues unique to public sector litigation in general and to collective bargaining specifically.

The following references have been confirmed for Harrison and Ford:

COMPANY	NATURE OF PROJECT	RATING
Bay County Human Resource Department Panama City, Florida 32401	Labor Issues	Outstanding
Miami-Dade County Public Schools 1450 NE 2nd Avenue, Room #552 Miami, Florida	Police (FOP) Professional and Technical employees (DCSAA)	Outstanding

Copies of all confirmed references as well as other documents used to determine Harrison & Ford's responsibility are included with the Committee Recommendation Report.

Conversely, McLean & Company has provided excellent services to the City under the current professional services contract and they have been established as a responsible proposer.

Accordingly and consistent with the terms of the RFQ solicitation, it is the consensus recommendation of the evaluation committee that the City Council authorize staff to negotiate contracts for collective bargaining and labor relations services with the 1st ranked firm Ford & Harrison, LLP of Miami, FL, and the 2nd ranked firm, McLean & Company of Tallahassee, FL.

EXHIBIT A-1

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	\$100,000	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>NA</u>	_____	_____	_____	_____
Program Income (City)	<u>NA</u>	_____	_____	_____	_____
In-Kind Match (City)	<u>NA</u>	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$100,000</u>	_____	_____	_____	_____

NO. ADDITIONAL FTE POSITIONS (Cumulative) N/A _____

Is Item Included In Current Budget? Yes XX No.
 Budget Account No.: Fund Dept/Division Org. Object
 Budget Account No.: Fund Dept/Division Org. Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. Finance Department and/or Purchasing/Intergovernmental Relations/Grants Comments:



 Finance Department

 Purchasing and Grants

B. Other Department Review:

 Department Director

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING THE RECOMMENDATION OF AND AUTHORIZING STAFF TO NEGOTIATE PROFESSIONAL SERVICES CONTRACTS WITH THE 1ST RANKED FIRM, FORD & HARRISON, LLP OF MIAMI, FLORIDA AND THE 2ND RANKED FIRM, MCCLEAN & COMPANY TO PROVIDE COLLECTIVE BARGAINING AND LABOR RELATIONS SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, consistent with the provisions of the City's Procurement Ordinance (2412), staff solicited Requests for Qualifications for Collective Bargaining and Labor Relations Services; and

WHEREAS, four (4) firms responded to Request for Qualifications No. 302-11, and the selection committee evaluated written responses and oral presentations from the four (4) firms; and

WHEREAS, Ford & Harrison, LLP of Miami, Florida was evaluated as the highest ranked firm to provide the services identified in the City's Request for Qualifications; and

WHEREAS, the City desires to negotiate a contract with Ford & Harrison, Inc. to provide collective bargaining and labor relations services related to the Professional Firefighters/Paramedics of Palm Beach County, Local 2928 IAFF and the International Union of Police Associations and

WHEREAS, McClean & Company, LLC of Tallahassee, Florida was evaluated as the 2nd highest ranked firm to provide the services identified in the City's Request for Qualifications; and

WHEREAS, the City desires to negotiate a contract with McClean & Company, LLC to provide collective bargaining and labor relations services related to the Service Employees International Union (SEIU) and the Professional Managers and Supervisors Association (PMSA).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA THAT:

SECTION 1. That staff is authorized to negotiate professional legal services contracts with Ford & Harrison, LLP and McClean & Company, LLC to provide the services identified in the City's Request for Qualifications No. 302-11.

SECTION 2. This Resolution shall take effect upon its passage and approval by the City Council.

PASSED AND APPROVED this _____ day of _____ 2011

RESOLUTION NO. _____
PAGE 2

APPROVED:

THOMAS A. MASTERS
MAYOR

JUDY L. DAVIS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

BILLIE E. BROOKS
CHAIR PRO TEM

CEDRICK A. THOMAS
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

B. BROOKS _____

J. DAVIS _____

C. THOMAS _____

D. PARDO _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN CITY ATTORNEY

DATE: 12/1/11

TO: RUTH C. JONES, CITY MANAGER

FROM: BENJAMIN GUY, PURCHASING DIRECTOR

DATE: NOVEMBER 28, 2011

Subject: AWARD RECOMMENDATION: RFQ 302-11 COLLECTIVE BARGAINING AND LABOR RELATIONS SERVICES

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Committee Recommendation

RFQ No. 302-11

November 28, 2011

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Conversely, McLean & Company has provided excellent services to the City under the current professional services contract and they have been established as a responsible proposer.

Committee Recommendation

RFQ No. 302-11

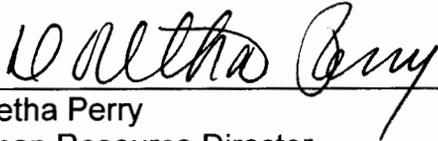
November 28, 2011

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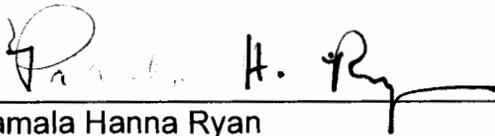
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CC: *Ruth Jones, City Manager*
Evaluation Committee Members
Purchasing File

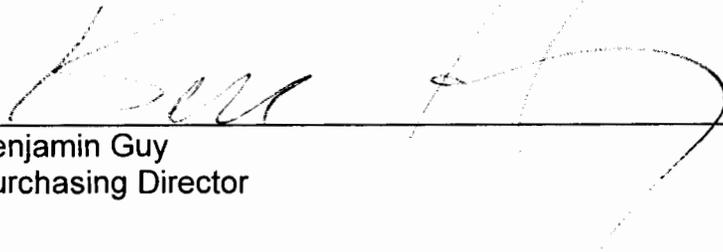
COMMITTEE MEMBERS



Doretha Perry
Human Resource Director



Pamala Hanna Ryan
City Attorney



Benjamin Guy
Purchasing Director

RFQ #302-11 COLLECTIVE BARGAINING AND LABOR RELATION SERVICES

GLEN TORCIVIA					McCLEAN & CO.				
Member	1	2	3	Average	Member	1	2	3	Average
Number of Public Sector Clients Within the Last 3 Years	18	25	23		Number of Public Sector Clients Within the Last 3 Years	11	10	10	
Project Team Education and Experience	25	23	22		Project Team Education and Experience	25	25	25	
Experience w/Similar Public Sector Projects	10	7	7		Experience w/Similar Public Sector Projects	11	16	19	
M/WBE Participation	3	3	3		M/WBE Participation	15	15	15	
Bonus Points: Local Participation	15	15	15		Bonus Points: Local Participation	8	8	8	
Percentage Dedicated to Employment Cases	25	23	23		Percentage Dedicated to Employment Cases	25	22	20	
TOTAL	96	96	93	95	TOTAL	95	96	97	96

HARRISON & FORD					HARRELL & WELLS				
Member	1	2	3	Average	Member	1	2	3	Average
Number of Public Sector Clients Within the Last 3 Years	21	25	25		Number of Public Sector Clients Within the Last 3 Years	3	3	4	
Project Team Education and Experience	19	22	19		Project Team Education and Experience	8	8	7	
Experience w/Similar Public Sector Projects	18	17	18		Experience w/Similar Public Sector Projects	2	3	3	
M/WBE Participation	3	3	3		M/WBE Participation	15	15	15	
Bonus Points: Local Participation	8	8	8		Bonus Points: Local Participation	15	15	8	
Percentage Dedicated to Employment Cases	25	25	25		Percentage Dedicated to Employment Cases	2	3	4	
TOTAL	94	100	98	97.3	TOTAL	45	47	41	44.3



CITY OF RIVIERA BEACH

P.O. DRAWER 10682
(561) 845-4180

RIVIERA BEACH, FLORIDA 33419
FAX (561) 842-5105

PROCUREMENT DEPARTMENT

November 15, 2011

Diana Urbizu
Director of Labor Relations
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 552
Miami, Florida 33132

Dear Diana:

Reynaldo Velazquez of Ford & Harrison LLP has submitted a response for RFQ 302-11 "Collective Bargaining and Labor Relations Services"; your name was given as a reference. Please complete this form and fax or email to Pierre Wilson at 561-842-5105 or pwilson@rivierabch.com.

I would appreciate your response to the following questions:

1. How long ago were services rendered? 2002-2004
2. What type of contract did they negotiate (i.e. fire fighter, police, general employee)? Police (FOP) and Professional and Technical Employees (DCSAA)
3. How timely were they in negotiations? Timely-a few months
4. What was the total cost? Over \$1 Million
5. How would you rate the overall performance and competence of this company? (Check one.)
Outstanding Good _____ Average _____ Fair _____ Poor _____
6. Please state briefly what you believe to be strengths or weaknesses in working with this company (if any):
 - a. Strengths: well prepared for negotiations, understood all issues on the table, used reason and logic, good listener and prioritized important issues.
 - b. Weaknesses: None
7. If you had another project for which they were qualified, would you rehire them?
Yes No _____. If no, please state why.

I assure you, that any information you supply about this vendor will be held in strict confidence. If there is ever an opportunity for me to reciprocate, I will be pleased to do so.

Thank you.



CITY OF RIVIERA BEACH

P.O. DRAWER 10682
(561) 845-4180

RIVIERA BEACH, FLORIDA 33419
FAX (561) 842-5105

PROCUREMENT DEPARTMENT

November 3, 2011

Christy Smith
Bay County Human Resource Department
Panama City, Florida 32401

Dear Christy:

Reynaldo Velazquez of Ford & Harrison LLP has submitted a response for RFQ 302-11 "Collective Bargaining and Labor Relations Services"; your name was given as a reference. Please complete this form and fax or email to Pierre Wilson at 561-842-5105 or pwilson@rivierabch.com.

I would appreciate your response to the following questions:

1. How long ago were services rendered? ___ We signed a contract with Rey Velazquez last year. We used Rey previously when he had his own firm and used him for over six years.

2. What type of contract did they negotiate (i.e. fire fighter, police, general employee)? _All labor issues _____
3. How timely were they in negotiations? ___ very _____
4. What was the total cost? ___ per hour fee _____
5. How would you rate the overall performance and competence of this company? (Check one.)
Outstanding ___X___ Good _____ Average _____ Fair _____ Poor _____
6. Please state briefly what you believe to be strengths or weaknesses in working with this company (if any):
 - a. Strengths __Very quick response to emails/phone calls. We use Rey for all labor issues.

 - b. Weaknesses _N/A_____
7. If you had another project for which they were qualified, would you rehire them?
Yes ___X___ No _____. If no, please state why.

I assure you, that any information you supply about this vendor will be held in strict confidence. If there is ever an opportunity for me to reciprocate, I will be pleased to do so.

Thank you.

RFQ #302-11 COLLECTIVE BARGAINING AND LABOR RELATION SERVICES

GLEN TORCIVIA					McCLEAN & CO.				
Member	1	2	3	Average	Member	1	2	3	Average
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M/WBE Participation	3	3	3		M/WBE Participation	15	15	15	
Bonus Points: Local Participation	15	15	15		Bonus Points: Local Participation	8	8	8	
Percentage Dedicated to Employment Cases	25	23	23		Percentage Dedicated to Employment Cases	25	22	20	
TOTAL	96	96	93		TOTAL	95	96	97	

HARRISON & FORD					HARRELL & WELLS				
Member	1	2	3	Average	Member	1	2	3	Average
Number of Public Sector Clients Within the Last 3 Years	21	25	25		Number of Public Sector Clients Within the Last 3 Years	3	3	4	
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Bonus Points: Local Participation	8	8	8		Bonus Points: Local Participation	15	15	8	
Percentage Dedicated to Employment Cases	25	25	25		Percentage Dedicated to Employment Cases	2	3	4	
TOTAL	94	100	98		TOTAL	45	47	41	