



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Darryl Von Raesfeld
Fire Chief

SUBJECT: SEE BELOW

DATE: November 7, 2008

Approved

Date

11/14/08

COUNCIL DISTRICT: City-Wide

**SUBJECT: APPROVAL OF AN AGREEMENT WITH DR ASSOCIATES
INTERNATIONAL FOR FIRE DEPARTMENT PRE-EMPLOYMENT BACKGROUND
INVESTIGATION SERVICES**

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to:

- (a) Execute an Agreement with DR Associates International to provide consultant services to perform pre-employment background investigation services as part of the hiring process for Fire Department personnel including Firefighter Recruits, Public Safety Dispatchers, and Student Interns for a one-year term beginning December 3, 2008 through December 2, 2009, in an amount not to exceed \$143,700.
- (b) Amend the maximum compensation for the first year to provide for a greater quantity of background services subject to appropriation of funds.
- (c) Exercise up to two (2) one-year options to extend the term to November 5, 2011 subject to appropriation of funds.

OUTCOME

Approval of the Agreement with DR Associates International will enable the Fire Department to use the services of DR Associates International for pre-employment background investigations required as part of the hiring process for Fire Department personnel, including public safety dispatchers and firefighter recruits.

BACKGROUND

The City originally entered into an agreement with DR Associates International to conduct pre-employment background investigations for entry-level Firefighters and Public Safety Dispatchers effective April 12, 2006 to December 31, 2006. The agreement was amended in January 2007, extending the agreement to June 30, 2008. As part of the Fiscal Year 2008-2009 budget process, the Fire Department received approval to conduct three entry level Firefighter academies.

Approval of the agreement with DR Associates will enable the Fire Department to conduct the required pre-employment background investigations required to fill the three Firefighter academies, allowing the Fire Department to hire a sufficient number of firefighters to keep up with retirement attrition and meet minimum staffing levels. Pre-employment background investigations are also conducted prior to hiring Public Safety Dispatchers. In order to fully staff Fire Communications, a testing and hiring process is underway to hire five-to-ten new Public Safety Dispatchers.

Consistent with the San Jose Municipal Code Section 4.12.210 requirement that the City engage in a competitive procurement process for all professional services contracts with a payment amount exceeding \$10,000, Fire Department Administration conducted a new competitive process to select a consultant to ensure that the needed services would continue to be provided by the most qualified firm available.

ANALYSIS

The procurement process to secure pre-employment background investigation services for the Fire Department has been conducted in accordance with the City's Request for Proposal process. The Fire Department issued a Request for Proposals (RFP) on August 19, 2008 through the City's e-procurement system. Additionally, consultants who previously expressed interest in submitting a proposal were notified by email and phone calls. The deadline to submit a response to the RFP was September 5, 2008. The City received a proposal from Preferred Investigations, Integriss, DR Associates, and CSA.

An independent seven-person selection panel representative of three City departments was formed to review and score the submitted proposals in accordance with the nine evaluation criteria listed in the RFP (see table on the following page). After evaluation of the written proposals, three companies advanced to the oral interview phase of the evaluation process. The oral interviews were conducted on September 22, 2008, and were scored by the panel based on the firm's ability to articulate their Pre-Employment Screening Approach. Integriss' proposal was disqualified from further consideration due to the low technical score. The table on the following page lists the final tabulation.

Final Scores	Max Points	DR Assoc.	CSA	Preferred
Experience of Proposer	20	19.42	17.14	18.86
Customer Satisfaction	20	20	13.14	16.28
Project Overview	15	14.57	12.21	13.93
Pre-Employment Screening Approach	25	20.42	15.18	21.87
Fee Structure (Not to exceed \$180K)	15	15	12	12
LBE	5	0	5	0
SBE	5	0	5	0
Total Score	105	89.41	79.67	82.94

Based on the evaluation panel's recommendation, staff issued a Notice of Intended Award on September 26, 2008 and due to an error staff issued an amended Notice of Intended Award on October 17, 2008. On October 7, 2008, the City's Chief Purchasing Officer received a protest from Preferred Investigations.

In its protest letter, Preferred Investigations alleged that that the rating of Preferred Investigations' proposal was not reflective of the company's experience and qualifications. Additionally, the letter questioned the rating of the pricing proposals, the City's decision to not disclose individual score sheets and notes from the evaluation committee, and the company's failure to claim the Local and Small Business Preference.

Based on a careful review of the evaluation process and the issues raised, the Chief Purchasing Officer determined that the evaluation process was fair and impartial and upheld the evaluation panel's recommendation.

Therefore, approval of the proposed agreement with DR Associates is recommended to the City Council in accordance with Municipal Code Section 4.12.310 (C), since the proposal by DR Associates was deemed the most advantageous proposal. The agreement will allow for pre-employment background investigation services to be conducted as required as part of the selection and hiring process to accommodate the following:

- Pre-employment background investigations for an April 2009 Firefighter Recruit Academy.
- Pre-employment background investigations for an August 2009 Firefighter Recruit Academy.
- Pre-employment background investigations for one-to-two public safety dispatcher academies in Calendar Year 2009.

Additionally, staff requests authority to amend the not-to-exceed compensation amount for the initial contract year in case additional background investigations as identified in the contract are needed and sufficient appropriated funds are available.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet the above criteria, the Council memorandum will be posted on the December 2, 2008 Council agenda.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the Finance Department, and the City Manager's Budget Office.

FISCAL/POLICY ALIGNMENT

Aligns with the General Budget Principle of focusing on protecting our vital core city services for both short-and long-term.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2008-2009 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
001	0542	Non-Personal/ Equipment	\$7,802,095	\$143,700	VIII-54	10/21/08, Ord. No. 28422

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CEQA

Not a project.



DARRYL VON RAESFELD

Fire Chief

For questions please contact Linda Charfauros, Acting Deputy Director of the Bureau of Administrative Services, at (408) 277-8790.