

BOARD LETTER APPROVAL

Janisse Quinones
Janisse Quinones (May 24, 2024 21:47 PDT)

JANISSE QUIÑONES
Chief Executive Officer and Chief Engineer

DATE: May 10, 2024

SUBJECT: Agreement No. 47836 for Outside Investigation Services with
Nossaman, LLP

SUMMARY

The proposed Agreement No. 47836 (Agreement) is for Outside Investigation Services for a term of five years and an amount not to exceed \$750,000 (budgeted). The Agreement is the result of a competitive process under Request for Proposal No. 90743.

The Agreement will allow LADWP to provide its employees with fair and impartial Equal Employment Opportunity (EEO) investigations. The consultant shall conduct as-needed investigations of employee complaints that may present a potential or actual conflict of interest to LADWP; to address and resolve issues at the department level, and mitigate the possibility of issues escalating to litigation against LADWP.

City Council approval is not required.

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners adopt the attached Resolution authorizing execution of the Agreement with Nossaman, LLP.

ALTERNATIVES CONSIDERED

An alternative to the proposed Agreement was to task LADWP employees with performing the investigations, however, Equal Employment Opportunity Services' (EEOS) office is responsible for ensuring equitable and neutral handling of employee EEO complaints. Furthermore, when a complaint is determined to have potential or actual conflicts of interest, it is imperative to have these

investigatory services performed by a third-party. Therefore, these services are not feasible nor practical to be undertaken by LADWP staff.

FINANCIAL INFORMATION

The term of the Agreement is five years and a total amount not-to-exceed \$750,000 (budgeted).

BACKGROUND

The EEOS office enforces LADWP's Zero Tolerance Policy (ZTP). The EEOS investigators are neutral fact finders that investigate allegations related to EEO protected categories which include race, color, ancestry, national origin, religion/creed, sex, actual or perceived sexual orientation, gender, gender identity, age, marital status, medical condition, disability, pregnancy, and present or past membership in a Uniformed Service, and make a fair and impartial determination as to whether or not there has been a violation of the ZTP.

By providing employees with a fair and impartial handling of their complaints, LADWP establishes good faith efforts and minimizes its vulnerability to lawsuits. The Agreement will help to further build trust between employer and employee relations through the guarantee that various employee complaints will be handled and treated without the fear of any conflict of interest.

Nossaman has performed satisfactorily on previous agreements.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15060 (c)(3). In accordance with this section, an activity is not subject to CEQA if it does not meet the definition of a project. Section 15378 (b)(5) states that organizational or administrative activities that will not result in direct or indirect physical changes in the environment do not meet that definition. Therefore, soliciting for professional services to support LADWP's Zero Tolerance Policy is not an action subject to CEQA.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the Resolution and Agreement as to form and legality.

ATTACHMENTS

- Procurement Summary
- Resolution
- Agreement

PROCUREMENT SUMMARY

1.	Recommended Vendor(s): Nossaman, LLP
2.	Procurement Type: Request for Proposal (RFP)
3.	Procurement Details: A. Contract Status: New B. Bid Advertisement Date: 11/14/2023 C. Pre-Bid Conference Date: N/A D. Bid/Proposal Due Date: 12/20/2023 E. Number of Downloads of Solicitation: 45* F. Number of Bids/Proposals Received: 2 G. Protest Received: No
4.	Buyer Assigned: Andrew Castro
5.	Contract Administrator: Scott Encarnacion
6.	LADWP System/Division: Joint / Equal Employment Opportunity Services
7.	Contact Person for Item: Scott Encarnacion

*Note: Downloads do not necessarily accurately reflect unique vendor interests as multiple individuals in an organization can download solicitations.

A. Evaluation Rating Summary of Proposal

Criteria	Maximum Score	Nossaman, LLP	Atkinson, Andelson, Loya, Ruud & Romo
Compliance with Minimum Requirements	Pass/Fail	Pass	Pass
Compliance with Mandatory Requirements	Pass/Fail	Pass	Pass
Proposer's Qualifications and Experience	20%	18.67	16.00
Past Performance Questionnaire	5%	4.90	4.80
Organizational/Management Approach	15%	14.00	9.50
Qualifications of Key Personnel/References	20%	18.00	18.00
Technical Approach	10%	9.33	6.67
Compliance Matrix to Technical Requirements	5%	4.83	0.00
Fee Schedule	25%	18.50	25.00
Local Business Preference Program	Up to 12%	0.00	0.00
Total Evaluated Score	112%	88.23	79.97

B. Evaluation of Proposals

Two proposals were received in response to RFP No. 90743. The proposals were evaluated by a team of three members: two from the Equal Employment Opportunity office and one from City Attorney's Office. The team evaluated all criteria except mandatory requirements, past performance questionnaires, and fee schedules which were evaluated by Supply Chain Services.

Three additional firms inquired about this RFP, and two of the three were expected to participate. However, after reviewing the scope of work, they declined to submit a response due to not specializing in the substantive area involved in the Statement of Work.

Nossaman is the highest-ranked proposer. Pricing was determined to be fair and reasonable based on a competitive RFP process. The Vendor Authentication Unit conducted a review of the company, and there were no issues identified.

C. Procurement History

Service/Item History – Number of Times Item or Service has been Procured					
Contract/ PO No.	Contractor	Term of Contract	Start Date	Ending Date	Contract Amount
47741 / 49671	Atkinson, Andelson, Loya, Ruud & Romo	Three Years	10/01/2021	9/30/2024	\$150,000
49644	Reddock Law Group	One Year	12/07/2020	12/06/2021	\$150,000
49594	Lozano Smith, LLP	6 Months	6/01/2020	12/31/2020	\$150,000
49515	Atkinson, Andelson, Loya, Ruud & Romo	One Year	4/17/2019	4/16/2020	\$150,000
49490	Lozano Smith, LLP	One Year	12/11/2018	12/10/2019	\$150,000
49445	Burke, Williams & Sorensen, LLP	One Year	12/14/2017	12/13/2018	\$150,000

Vendor Experience – Number of Contracts Vendor had with LADWP During the Past 10 Years					
Contract/ PO No.	Contract Description	Term of Contract	Start Date	Ending Date	Contract Amount
47769	Legal Services Relating to Construction Litigation and Advice	Three Years	5/1/2023	4/30/2026	\$500,000
47741	Legal Services Relating to Natural Resources, CEQA, State and Federal Endangered Species Act and Water Laws	Three Years	9/1/2019	8/31/2022	\$700,000
47544	Legal Services for LADWP In Real Estate, Eminent Domain, Environmental and Other Real Property and Related Matters	Three Years	3/28/2019	3/27/2024	\$750,000
47480	Legal Assistance with LADWP's Standard Contract Terms and Conditions For Software Procurement And Software Integration Services	Three Years	5/15/2018	5/14/2021	\$450,000
47399	Outside Counsel to Assist the City Attorney In Providing Legal Representation For The City In The Case Of Office Future System, Inc. Vs. LADWP	Three Years	5/1/2016	4/30/2019	\$300,000

D. Local Business Preference Program (LBPP)

The LBPP was included in this RFP. However, LBPP was not a determining factor in the evaluation and recommendation of award for the Agreement.

E. Additional Outreach Efforts Taken

In addition to the original bid list, the following outreach effort was taken:

- The RFP was posted on LADWP Electronic Request-Solicit-Procure System (eRSP) website and the City of Los Angeles Regional Alliance Marketplace for Procurement (RAMPLA) website.

F. Small Business Enterprises (SBE)/Disabled Veterans Business Enterprises (DVBE)/Minority Business Enterprises (MBE)/Women Business Enterprises (WBE)/Other Business Enterprises (OBE) Participation

Not applicable to this Agreement due to confidentiality requirements stemming from attorney-client privileges.