



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Robert M. Parnis</i>		GENERAL MANAGER ACTION REQ'D: (N/A)		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rod Maplestone Dept: Human Resources Administration	General Counsel <i>[Signature]</i> 7/16/19 [ ]	Controller/Treasurer <i>[Signature]</i> 7/16/19 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 07-16-2019
Signature/Date: <i>[Signature]</i> 7/15/2019				
Status: Routed		Date Created: 7/10/2019		

### Award of Contract for Workers' Compensation Investigative Services to Apex Investigation (6M4674)

**PURPOSE:** To obtain Board Authorization for the General Manager to award Agreement No. 6M4674, Investigative Services for the District's Workers' Compensation Program, to APEX Investigation. This agreement shall have a term of three (3) years, with two (2) one-year options, which the District may exercise in its sole discretion, in the amount not to exceed \$2,014,356.05

**DISCUSSION:** The agreement is for Investigative Services in support of the District's comprehensive Workers' Compensation Program. Selection of the vendor was based on the proposer's qualifications and ability to provide services based on subject matter expertise, quality of the Project Manager and staff, as well as price.

Advance Notices were emailed out on May 9, 2019 to 83 known providers. The Advance Notice and the RFP were also posted on the Procurement Portal on May 9, 2019. The RFP was advertised in ten (10) publications on May 9, 2019. A total of 24 firms downloaded the RFP from the Procurement Portal. A Pre-Proposal Meeting and Networking Session was held on May 20, 2019 with five (5) firms in attendance. Four (4) proposals were received on June 4, 2019 from the following firms:

1. APEX Investigation, (Sacramento, CA)
2. DigiStream Bay Area, Inc., (Alameda, CA)
3. Frasco Investigative Services, (Burbank, CA)
4. Freese & Gianelli Claim Services, Inc. DBA Status Investigative Group, (Modesto, CA)



The scope of work will include some of the following tasks:

- Coordinate with Athens, the District's Workers' Compensation/Leave Programs Third Party Administrator to ensure Workers' Compensation claims are adjudicated accurately
- Conduct investigations and provide supporting documentation to evaluate Short Term and Long Term Disability and other protected leaves are paid according to District provisions

The District's Selection Committee, chaired by Contract Administration, consisted of representatives from the District's Human Resources Department (HR) and Office of Civil Rights (OCR). The Committee evaluated the proposal using the best value methodology. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. Of the four (4) proposers, the proposal submitted by Status Investigative Group did not pass minimum technical requirements and therefore did not advance to the next phase of the evaluation.

The Committee evaluated and scored DigiStream Bay Area, Inc., APEX Investigation and Frasco Investigative Services based on their written statements of qualifications. The Committee then opened and evaluated each price proposal.

Pursuant to the District's Non-Federal Small Business Program, OCR set a 5% Small Business Prime Preference for this Agreement for Small Business (SB) certified by the California Department of General Services (DGS). Apex Investigation is a certified SB, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Apex Investigation will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Apex Investigation has significant subject matter expertise, short turnaround times and relevant experience with California public and transit agencies. Along with analysis of proposed price, the Selection Committee recommends the selection of Apex Investigation based on overall best value for the District's Workers' Compensation Investigative Services. Further, Apex Investigation is a certified small business.

**FISCAL IMPACT:** This agreement has a not to exceed cost limit of \$2,014,356.05. However, no dollar amount is guaranteed to the vendor.



Funds required to cover this Agreement are included in the District's Workers' Compensation Reserves. Funding for the Workers' Compensation Reserves in FY20 is included in the District's operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on the unprogrammed District reserves in the current Fiscal Year.

The total proposal prices for the base 3 years plus two 1-year options are as follows:

**Investigative Services: Agreement 6M4674 with APEX Investigation**

Year 1	\$358,479.25	FY 20
Year 2	\$383,571.00	FY 21
Year 3	\$410,420.60	FY 22
Option Year 1	\$430,942.60	FY 23
Option Year 2	\$430,942.60	FY 24
Total Not to Exceed – 3 Years + 2 Option Years	\$2,014,356.05	

**ALTERNATIVES:** Cancel and re-advertise the RFP, or extend the existing Investigative Services vendor. Cancellation of RFP would, absent a further extension, leave the District without the ability to meet obligations with respect to Investigative Services for the District's Workers' Compensation program.

**RECOMMENDATION:** Adopt the following motion:

**MOTION:** The General Manager is authorized to award Agreement No. 6M4674, Investigative Services for the District's Workers' Compensation Program, to APEX Investigation for an amount not to exceed \$1,152,470.85 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures. The General Manager is also authorized to exercise Option Year One (1) for an amount not-to-exceed \$430,942.60 and Option Year Two (2) for an amount not-to-exceed \$430,942.60, subject to availability of funds.