



San Bernardino County

Legislation Text

File #: 6145, Agenda Item #: 67

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION

June 14, 2022

FROM

PETE MENDOZA, Interim Director, Purchasing Department

SUBJECT

Contract for Temporary Help Services for the Registrar of Voters

RECOMMENDATION(S)

1. Approve Contract with Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services to provide temporary help services to the Registrar of Voters for election workers, including non-standard terms, at fixed rates, for the period June 14, 2022 through October 25, 2026.
2. Authorize the Purchasing Agent to add, replace and delete classifications and adjust rates to meet state mandates, which could include adjustments for minimum wage, contractual cost of living increases or rate adjustments reflective of County competitiveness in the marketplace.

(Presenter: Pete Mendoza, Interim Director, 387-2073)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item may result in the use of additional Discretionary General Funding (Net County Cost) for the County's share of election costs. Other jurisdictions' share of temporary help cost related to the election will also increase. The average annual cost for temporary election workers is approximately \$3.1 million, and the Registrar of Voters (ROV) is responsible for ensuring there is adequate funding in its approved budget for temporary help services. Budget adjustments are not requested at this time, but an action will be brought back to the Board of Supervisors (Board) for approval, if necessary. Sufficient appropriation will be included in future recommended budgets.

BACKGROUND INFORMATION

The recommended contract with Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services (AppleOne) for temporary election workers will allow the ROV to serve the public effectively in conducting elections within San Bernardino County. The need for temporary election workers is driven by local, state, and federal election cycles, and these workers are necessary for the ROV to maintain voter registration and election records, and to conduct the County's elections effectively.

On October 26, 2021 (Item No. 55), the Board approved contracts with 12 vendors to provide temporary help services to the ROV. While AppleOne was one of the vendors recommended for contract award based on a

formal Request for Proposal (RFP) released on March 8, 2021, AppleOne had not accepted the terms and conditions of the contract and had entered into negotiations with the County. In April of 2022, the two parties reached an agreement on a proposed contract for Board approval. The contract with AppleOne contains language that is exclusive to its contract and includes terms that differ from the standard County contract. The non-standard terms include the following:

1. Indemnification: The contract requires the County to indemnify AppleOne and assume sole responsibility for losses arising out of the County's receipt, use and breach of confidentiality of the background checks or drug screenings of Contractor's employees.
 - The County standard contract does not include any indemnification or defense by the County of a contractor, and here the County must indemnify the Contractor for this specific issue.
 - Potential Impact: By agreeing to indemnify AppleOne for losses arising out the County's receipt, use and breach of confidentiality of the employee background checks and drug screenings, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against AppleOne without such limitations and the County would be responsible to defend and reimburse AppleOne for costs, expenses, and damages, which could exceed the total contract amount.

Purchasing recommends approval of the contract, including the non-standard terms, because the benefits to the County and the ROV in acquiring temporary help election workers outweigh the potential risk.

PROCUREMENT

On March 8, 2021, Purchasing released formal RFP AGENCY21-PURC-4076, Temporary Staffing Services for the ROV through the San Bernardino County Electronic Procurement (ePro) Network. Fourteen proposals were received from the agencies listed below by the submittal deadline of April 12, 2021.

- 22nd Century Technologies, Inc.
- Accurate Personnel
- Amtec Human Capital dba Amtec
- CathyJon Enterprises, Inc. dba HB Staffing
- Cogent Infotech Corporation
- HR Management, Inc.
- Howroyd-Wright Employment Agency, Inc. dba AppleOne Employment Services
- Jada Systems, Inc.
- JM Temporary Services & Affiliates, Inc. dba JM Staffing
- Kelly Services, Inc.
- Kinetic Personnel Group
- LA Business Personnel Group
- Technostaff LLC dba HonorVet Technologies
- Temp Unlimited

The evaluation committee was comprised of staff members from the ROV. The evaluation process included review of criteria including, but not limited to, price, past performance, ability to provide services in a timely manner, and background and/or health screenings. HR Management, Inc. was sent a non-selection letter based on a thorough review of their proposal in strict accordance with the evaluation criteria set forth in the RFP. No protest was received within ten (10) calendar days of the issuance date of the non-selection letter. Based on the evaluation results, 13 agencies were recommended for contract award, including AppleOne.

Under the recommended contract, the County may terminate with a 30-day advance written notice. The

contracts also provide the ability for temporary help services agencies to bill the County for overtime in accordance with state law. Under Recommendation No. 2, the Purchasing Agent is authorized to add or delete classifications and adjust rates necessary for ROV operations if an unanticipated need arises.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Jolena Grider, Deputy County Counsel, 387-5455) on May 10, 2022; Registrar of Voters (Stephenie Shea, Interim Assistant Registrar of Voters, 387-2100) on May 12, 2022; Finance (Sofia Almeida, Administrative Analyst, 387-4378) on May 30, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 31, 2022.