



## Board Report

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File #:2015-1790, File Type:Contract

Agenda Number:

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### EXECUTIVE MANAGEMENT COMMITTEE FEBRUARY 18, 2016

**SUBJECT: EMPLOYEE ASSISTANCE PROGRAM**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

Authorize the Chief Executive Officer to execute Modification No. 4 to Contract No. PS62502297 with ComPsych Corporation (ComPsych) to provide Employee Assistance Program (EAP) services in the amount of \$44,386, thereby increasing the contract value from \$1,076,400 to \$1,120,786. This Contract Modification will also extend the period of performance for up to 3 months from April 1, 2016 to June 30, 2016.

#### **ISSUE**

Metro EAP is the program that promotes job effectiveness and productivity for all Metro employees and has a workforce focus designed to help employees and their family members cope with problems on the job and in the home.

The existing EAP service Contract No. PS62502297 with ComPsych will expire on March 31, 2016. In June 2015, an RFP for this service was issued. Although three proposals were received, none of them were found responsive to the requirements of the RFP. Therefore, Metro cancelled this procurement on November 18, 2015.

To avoid EAP service interruption, a contract modification is required to extend the period of performance and increase contract expenditure authority while the new procurement processes are completed.

#### **DISCUSSION**

Metro is committed to providing a safe and healthy work environment for its employees. The Employee Assistance Program is a business tool designed to help employees resolve personal or family concerns that could potentially impair their job performance. The program offers a friendly, accessible and confidential forum wherein licensed professionals identify stressors, explore behavioral changes, and provide support and resources that enable the employee to solve personal problems. Assistance includes child and elder care referrals as well as legal and financial guidance.

The program is a benefit available to all employees and their immediate family members on a voluntary basis, unless the employee is referred on a mandatory basis after a major violation of a Metro policy. Metro and its predecessor agencies have continuously provided an EAP since 1981.

EAP also serves as a resource to managers in dealing with employees experiencing personal problems affecting job performance, conduct, and reliability. EAP interventions act to reduce distress and provide the skills necessary to handle personal and work-related problems more effectively. This comprehensive service also includes crisis management counseling for traumatic events, including immediate intervention following serious bus and rail accidents, and other tragic events that could impact the Metro workforce.

Finally, EAP is a vital component of Metro's overall effort to comply with federal regulations governing the prevention of drug abuse and alcohol misuse in transit operations. Specifically, our EAP provider includes the mandated services of a Substance Abuse Professional (SAP) that are required when an employee tests positive for drugs or alcohol. The primary role of the SAP is to evaluate the employee and coordinate rehabilitation in order to ensure the safety of the traveling public.

### **DETERMINATION OF SAFETY IMPACT**

The Metro Employee Assistance Program will provide the capability to support employees through challenges in multiple areas of their lives, ensuring job effectiveness and improved safety for our employees and patrons.

### **FINANCIAL IMPACT**

Funding of \$171,000 for this contract is included in the FY16 budget in Cost Center 6240 (Talent Acquisition), Project 100001 (General Overhead). Since this will be a multi-year contract, the Executive Director, Employee & Labor Relations will be responsible for budgeting the cost in future years.

#### **Impact to Budget**

These expenses will be allocated across overhead projects per the overhead allocation provisions set forth in the Federal Cost Allocation Plan approved by the FTA.

### **ALTERNATIVES CONSIDERED**

Perform services in-house. This option is not a viable alternative because an in-house EAP program staffed by Metro employees could only provide a limited portion of the needed services and expertise. Contracted services of professionally certified counselors with diverse backgrounds and specializations would still need to be obtained by Metro if the subject services were brought in-house. Difficulties would also be encountered in serving the multiple locations and large number of family members throughout the local geographic area, as well as overcoming employee concerns about confidentiality issues. Metro has no history or experience with an internal EAP. Metro would not only

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need to undertake costly recruitment and training of Metro staff to perform these services, but would also assume direct liability for any potential claims of malpractice. This is not a feasible alternative and therefore, is not recommended

**NEXT STEPS**

Upon Board approval, staff will execute Modification No. 4 with ComPsych under the current Contract No. PS62502297 to continue providing EAP services until the replacement contract begins.

**ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Log  
Attachment C - DEOD Summary

Prepared by: Gabriela Hernandez, HR Analyst, (213) 922-4867

Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management (213) 922-6383

Donald E. Ott, Executive Director, Employee/Labor Relations  
(213) 922-8864

PROCUREMENT SUMMARY

EMPLOYEE ASSISTANCE PROGRAM/PS62502297

1.	<b>Contract Number:</b> PS62502297		
2.	<b>Contractor:</b> ComPsych Corporation		
3.	<b>Mod. Work Description:</b> Additional Funding and Period of Performance Extension		
4.	<b>Contract Work Description:</b> Employee Assistance Program		
5.	<b>The following data is current as of:</b> 01/20/16		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	6/25/09	<b>Contract Award Amount:</b> \$986,400
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b> \$90,000
	<b>Original Complete Date:</b>	9/30/15	<b>Pending Modifications (including this action):</b> \$44,386
	<b>Current Est. Complete Date:</b>	3/31/16	<b>Current Contract Value (with this action):</b> \$1,120,786
7.	<b>Contract Administrator:</b> Maria V. Lechuga		<b>Telephone Number:</b> (213) 922-7206
8.	<b>Project Manager:</b> Gabriela Hernandez		<b>Telephone Number:</b> (213) 922-4867

**A. Procurement Background**

This Board Action is to approve Modification No. 4 to be issued in support of the EAP for all Metro employees.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy, and the contract type is a firm fixed unit price.

On June 25, 2009, the Board authorized staff to award a three-year contract, plus three one-year options, for Contract No. PS62502297 with ComPsych, in the total amount of \$986,400 to provide EAP services.

Three modifications have been executed to date.

Refer to Attachment B – Contract Modification/Change Order Log.

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on adequate competition and cost analysis. The rates offered for the extension are the same as the existing fixed unit rates in the contract that were determined to be fair and reasonable based on adequate price competition as a result of the competitive procurement completed in 2009.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$44,386	\$44,388	\$44,386

**CONTRACT MODIFICATION/CHANGE LOG**

**EMPLOYEE ASSISTANCE PROGRAM/PS62502297**

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
1	SP-02 Browz Requirements deleted in its entirety	12/20/10	\$0
2	Extend period of performance from September 30, 2015 to December 31, 2015; add funds.	9/9/15	\$45,000
3	Extend period of performance from December 31, 2015 to March 31, 2016; add funds.	11/5/15	\$45,000
4	Extend period of performance from April 1, 2016 to June 30, 2016; add funds.	PENDING	\$44,386
	<b>Modification Total:</b>		<b>\$134,386</b>
	<b>Original Contract:</b>	<b>6/25/09</b>	<b>\$986,400</b>
	<b>Total:</b>		<b>\$1,120,786</b>

DEOD SUMMARY

EMPLOYEE ASSISTANCE PROGRAM / PS62502997

**A. Small Business Participation**

ComPysch Corporation made a 7.42% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. ComPysch Corporation’s current DBE participation is 4.18%, a shortfall of 3.24%. This project is 96.15% complete. ComPysch explained that DBE subcontractor, Sandra J. Edwards is semi-retired and is no longer working full-time reducing the level of effort originally listed. DBE subcontractor, World Printing’s scope of work was reduced because Metro did not require the level of services originally planned for program promotion.

For the pending modification, ComPsych made a commitment to increase World’s Printing’s scope of work by adding printing services on sports bottles, stress cubes, and sport bags. Based on ComPsych’s recovery plan, DBE commitment will increase by 3.28%, and will exceed their original DBE commitment by 0.04%.

<b>Small Business Commitment</b>	<b>7.42% DBE</b>	<b>Small Business Participation</b>	<b>4.18% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Sandra J Edwards	African American	4.80%	2.52%
2.	World’s Printing	African American	2.62%	1.66%
<b>Total</b>			<b>7.42%</b>	<b>4.18%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this modification.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

The Project Labor Agreement/Construction Careers Policy is not applicable to this project.