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Informal Solicitation No. 4899

Employee Relations Investigative Services

Important Information:

- Solicitation Issued: Day / Date: **Wednesday / December 28, 2016**
- Deadline for Questions: Day / Date: **Friday / January 6, 2017** Time: **4:00 pm PM**
- Submittals/Proposals Due: Date: **January 31, 2017** Time: **1:00 pm PST**
- SHA's Contact: Name: **Jena Richmond**
- E-Mail Address: **jena.richmond@seattlehousing.org**

The Seattle Housing Authority (SHA) for itself or as an agent for another SHA related entity (hereinafter "SHA"), is soliciting Submittals/Proposals from qualified individuals and businesses interested in performing the following:

Project Description:

The Seattle Housing Authority seeks qualified a law firms/attorney to provide legal consultation for employment best practices and to conduct workplace investigations for high-risk and complex workplace issues. Preference will be given to submittals demonstrating extensive experience in employment law and investigative services. The successful contractor shall possess sufficient resources to ensure that the demands for the Agency's legal needs will be met on a timely basis. This relationship will be on a consulting or contractual basis, as opposed to a staff position.

Scope of Work:

The Scope of Work is as follows:

I. GENERAL REQUIREMENTS

Legal Consultation: The Contractor shall provide legal guidance to SHA Human Resources for best practices to resolve complex and high risk employee relations issues and to conduct in-house workplace investigations on an "as needed basis".

Investigation Services: The Contractor shall provide SHA with a wide range of workplace investigation services on an "as-needed" basis. Investigations may include: claims involving employee misfeasance, malfeasance or nonfeasance, violations of the Authority's anti-harassment policy including discrimination, and or any claims of sexual harassment or hostile work environment. Occasionally,

investigations may include obtaining witness statements, performing background investigations and/or other confidential activities.

Training: The Contractor may provide training anti-discrimination and anti-harassment training to SHA for proactive measures.

II. SPECIFIC REQUIREMENTS

The successful proposer shall communicate with designated Human Resources and General Counsel Personnel when determining the most appropriate investigative methods for each investigation. This includes, but is not limited to: conducting and recording interviews with applicable employees and at times clients and/or tenants, evaluating the facts of the situation, making credibility determinations and resolving factual disputes to determine whether the totality of the circumstances substantiates or refutes a finding of misconduct. Documentation supplied to SHA will be comprised of a written report to summarize the investigation, findings and conclusion, and include copies of recorded interviews (and/or electronic verbatim transcriptions of interviews where requested), surveillance recordings, and any other applicable evidential support used to validate the written findings. The Contractor shall assign only qualified investigators who have been approved by the SHA Human Resources Director or his/her designee. During the course of the investigation, all interactions between the Contractor and SHA employees shall be conducted in a confidential, professional manner.

A. CONDUCT INVESTIGATION

The Contractor shall determine the most appropriate investigative methodology for the assignment at hand. Common investigative methods may include conducting interviews, reviewing documentation, using surveillance, or other fact gathering methodologies and procedures. At a minimum, all investigations shall include assembling and evaluating relevant facts and documents, an analysis of determined and undetermined facts, assessments with respect to credibility, resolution of factual issues, and a written report of the findings and applicable recommendations.

B. REPORT FINDINGS

The Contractor shall prepare a written report that documents the entire investigation process, including, but not necessarily limited to: the allegation or situation being investigated; the methodology and procedures utilized in the investigation; individuals interviewed, including the credibility of same and documents reviewed; the facts that were gathered; the investigator's evaluation of the facts; and a determination of whether or not any of the applicable Authority policies have been violated. The Contractor shall provide .wav file copies of

recorded interviews (and/or electronic verbatim transcriptions of interviews), surveillance recordings, and any other applicable evidential support/material used to validate the Contractor's written findings.

The Contractor shall submit a final written report with supporting documentation and recommendations with all evidence, and/or materials used to the Authority's Human Resources Director within (15) fifteen days of concluding the investigation. A presentation to SHA management may also be requested.

C. OTHER

SHA personnel may require either a verbal or written update regarding the status of investigations underway, details related to the contract, billing or other related assistance. The Contractor shall provide a meaningful update/response within two business days of the request.

Schedule: It is anticipated that the work will be performed between February 2017 and December 2017.

Anticipated Contract Duration: SHA expects to execute a Contract for the requested services for the scheduled dates shown above. If necessary, and at SHA's option, time extensions and appropriate scope and compensation adjustments may be made by Change Orders to the Contract.

Estimated Amount: The estimated range of cost for the Contract to be executed based on this solicitation is between \$10,000 and \$15,000.

Contents Required in Your Submittal/Proposal: Your Submittal/Proposal must include:

- A cover letter that includes:
 - a) An expression of your interest in performing the work
 - b) The name, telephone number and e-mail address of who your contact person is for this solicitation
 - c) Signed by a principal or officer of the firm authorized to execute contracts or other similar documents on the firm's behalf
- Your response to each of the Evaluation Criteria noted on page four.
- A list of three references that includes:
 - a) Agency or business name of client
 - b) Contact person at that agency or business
 - c) Address of agency or business
 - d) Telephone number and/or e-mail address for the Contact person

Your submittal/proposal shall not exceed four pages. Your cover letter and any forms required to be included with your submittal/proposal do not count toward the maximum number of pages.

Attachments to be Included with Your Submittal/Proposal: The following forms are sent via separate links to this solicitation: You must complete and attach the forms listed below with your submittal/proposal:

- Vendor Fact Sheet
- Section 3 Business Certification and Resident Employment Plan
- Suspension and Debarment Compliance Certificate for Consultant and Sub-Consultants
- Certifications and Assurances Form
- Certifications and Representations of Offerors – Non-Construction Contract (form HUD-5369-C)

Evaluation Criteria: SHA will evaluate Submittals/Proposals received based on the following weighted subjective/technical criteria. Your Submittal/Proposal should directly address each of the Criteria listed below:

No.	Evaluation Criteria	Maximum Number of Points
1	Qualifications: Evidence of the Proposer's ability to perform the work as indicated by the principals' and staffs' professional and technical competence/experience.	20
2	Fact-Finding Experience: Evidence of the Proposer's capability to provide professional services in a timely manner. Demonstrated experience working within public or non-profit services agencies to conduct thorough, independent fact-findings for a variety of employee related issues.	20
3	Training Experience: Evidence of the Proposer's past performance in terms of cost control, quality of work, and compliance with performance schedules. Experience successfully working with Human Resources Departments to strategize best practices and implement EEO related training (i.e., sexual harassment, hostile work environment, and anti-discrimination/harassment) as required on an as needed basis.	20
4	Service: Demonstrated ability to respond to the Agency's needs and requests in a timely manner.	20
5	Costs: Proposed hourly rate plus any reimbursable expenses.	20
MAXIMUM TOTAL POINTS		100

SHA reserves the right to check references of one or more of the top ranked firms. In conducting reference checks, SHA may include itself as a reference if the Proposer has performed work for SHA, even if the Proposer did not identify SHA as a reference.

In the event that information obtained from the reference checks reveals concerns about the proposer's past performance and their ability to successfully perform the contract to be executed based on this solicitation, SHA may, at its sole discretion, determine that the proposer is not a responsible proposer and may select the next highest-ranked proposer whose reference checks validate the ability of the proposer to successfully perform the contract to be executed based on this solicitation.

Due Date for Questions: Any questions or requests for further information must be directed in writing no later than the date mentioned at the beginning of this solicitation. Questions are to be sent by e-mail to SHA's Contact, also shown at the beginning of this solicitation.

Submittals: Submittal/Proposal due date is shown at the beginning of this solicitation. You are required to submit as indicated below. Use the submittal process that is checked.

- By e-mail to SHA's Contact shown at the beginning of this solicitation.

Administrative Information:

- A. About the Seattle Housing Authority (SHA): Visit SHA's website at www.seattlehousing.org for more information about SHA.
- B. Deadline for Submission of Submittals/Proposals: Proposers are responsible for ensuring that SHA receives your submittal/proposal as indicated herein by the stated deadline. Submittals/Proposals received after the deadline will not be considered.
- C. Contract Requirements: Proposers may review a sample of SHA's standard contract language that will form the basis for any contract executed based on this solicitation by visiting the following website:
http://www.seattlehousing.org/business/guidelines/pdf/Consultant_Professional_Services_Contract.pdf
SHA's standard contract document is intended to guide you in developing your submittal/ proposal. The actual contract that the successful Proposer and SHA will sign will be based on this sample contract. Please be advised that SHA will only negotiate some aspects of the contract. Much of the contents of the sample contract are based on non-flexible requirements and cannot be modified in any form.
- D. Certifications and Assurances Form: In the event that the Contract for these services includes any HOPE VI Revitalization grant funds or any Choice Neighborhood Implementation (CNI) grant funds, the Consultant shall obtain and submit to SHA a completed and signed Certifications and Assurances Form (copy attached to this solicitation if applicable) for itself and each sub-consultant utilized on the Contract. Such form shall be submitted to SHA before any work is performed under the terms of the Contract.
- E. Payment Requirements: Proposers should be aware that SHA will only make payments on the Contract issued under this solicitation after the work being billed has been completed, and will pay reimbursable expenses only upon receipt of an invoice for the reimbursable expenses. No advanced payments will be made to the proposer, who must have the capacity to meet all project expenses in advance of payments by SHA.
- F. Insurance Requirements: The individual or business selected by SHA will be required to provide acceptable evidence of insurance prior to beginning work. The following summarizes the required insurance coverage. Additional requirements are detailed in the contract that SHA will execute with the selected individual or business. See Section 10 of the standard consultant contract for a complete listing of SHA's standard insurance provisions.

The following insurance coverage(s) / requirements will be required for this project:

- An ACORD Certificate of Insurance.
- Commercial General Liability: \$1,000,000 (or \$) each occurrence, \$2,000,000 (or \$) aggregate

- Additional Insured Endorsement Ongoing Operations naming the Seattle Housing Authority as an additional insured on a primary and non-contributory basis on the Commercial General Liability policy, ISO form CG2010 or equivalent. Blanket additional insured endorsements may be acceptable, but must be approved by SHA's Risk Manager.
- Washington Stop Gap or Employers Liability: \$1,000,000 (or \$) each occurrence
- Workers Compensation: A policy of Workers Compensation. As respects Workers Compensation insurance in the State of Washington, the Consultant shall secure its liability for industrial injury to its employees in accordance with the provisions of Title 51 of the Revised Code of Washington (RCW). If the Consultant is qualified as a self-insurer in accordance with Chapter 51.14 RCW, the Consultant shall so certify by a letter signed by a corporate officer, indicating that it is a qualified self-insured, and setting forth the limits of any policy of excess insurance covering its employees, or any similar coverage required.
- Automobile Liability: \$1,000,000 (or \$) combined single limit
- Professional Liability/Errors & Omissions: \$1,000,000 (or \$) per claim/aggregate
- Cyber Liability including coverage for Business Interruption, Network Security, and Electronic Communication: including both first and third party coverage, covering claims involving privacy violations, information theft, damage to or destruction of electronic information, intentional and/or unintentional release of private information, alteration of electronic information, extortion and network security with minimum limits of \$1,000,000 on each occurrence. This coverage can be either stand alone or included within Professional liability policy.
\$1,000,000 per claim / aggregate
- Evidence that sexual misconduct has not been excluded from the commercial general liability policy

G. Criminal Background Investigation: The selected Consultant shall conduct a criminal investigation of all employees, volunteers, subcontractors and sub-consultants performing any work who may reasonably be expected to have direct or incidental contact with SHA residents, SHA staff members, or vulnerable population. In addition, a criminal investigation shall be performed for any person performing work under this Contract who needs special entry into SHA buildings, is given temporary use of an SHA building-access card or who collects payments of any kind. The criminal background investigation shall include, but not necessarily be limited to, a Washington State Patrol background report. In the event a background check provides evidence of a felony conviction within the past seven years, the results of that investigation shall be disclosed to the SHA Project Manager. If any person performing work under this Contract is charged with a felony, the selected Consultant agrees, if requested by SHA, to replace such person with an individual acceptable to SHA.

H. Diversity: SHA strongly encourages small businesses, minority business enterprises (MBEs), women business enterprises (WBEs), HUD Section 3 businesses, socially and economically disadvantaged businesses and veteran-owned businesses to submit proposals or to participate in this work as sub-consultants.

- I. Rights Reserved by SHA: SHA reserves the right to waive as an informality any irregularities in submittals/proposals, to reject any or all submittals/proposals, and to cancel this solicitation at any time prior to contract award. SHA also reserves the right to award all or any portion of the work specified in this Informal Solicitation to any proposer(s). Prior to making a selection decision, SHA reserves the right to interview any or all individuals or businesses submitting for this work, and to check references as part of the final evaluation process. Any protest of the selection process shall be resolved in accordance with SHA's Procurement Policies, which may be reviewed at the following website address:

http://www.seattlehousing.org/business/guidelines/pdf/Procurement_Policies.pdf