Agenda Item #:

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PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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MEETING DATE	E: 06/18/13	[X] Consent	[] Regular	•
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		[] Ordinance	[] Public Hearing	1
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Department:	Equal Opportunity			
Submitted By:	Equal Opportunity			

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) A modification to an Award/Contract [**R-2012-0659**] (Charge Resolution Contract No. EECCN120020, Modification No. 0001) with the U. S. Equal Employment Opportunity Commission (EEOC) allowing the Office of Equal Opportunity to receive revenue in the total amount of \$82,500.00 as payment for processing and resolving employment discrimination complaints. B) An upward budget amendment of \$500.00 in the General Fund to adjust the budget to the actual Award/Contract.

Summary: Execution of this contract is required so that OEO can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. This Charge Resolution Contract is for FY 2012 - 2013 and is in the amount of \$82,500.00 (\$79,950.00- charge processing; \$1,150 Intake Services, and \$1,400 - attendance at EEOC sponsored annual training). EEOC Charge Resolution Contracts for all Fair Employment Practices Agencies nationwide provide payment at a rate of \$650 per charge. OEO's contract is for a total of 123 charges. Attached to the Award/Contract is the Worksharing Agreement signed by the County Administrator on October 13, 2012. On November 26, 1996, the Board of County Commissioners approved staff's recommendation that future Worksharing Agreements be executed by the County Administrator, or his designee, because of the recurring time constraints involved in this process. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract. (Countywide)(DO)

Background and Policy Issues: On August 15, 1995, the BCC enacted an ordinance prohibiting discrimination in employment, granting OEO investigative and enforcement authority, and authorizing OEO to become a referral agency for the federal government. In each subsequent fiscal year, the BCC has approved Charge Resolution Contracts between the OEO and EEOC.

Execution of this contract is necessary in order for OEO to receive payment for the processing and investigation of employment discrimination complaints that are filed under federal employment discrimination statutes and Palm Beach County's Equal Employment Ordinance.

The EEOC contract is retroactive to October 1, 2012. EEOC distributed the FY 2012 - 2013 contracts to state and local agencies via letter dated May 14, 2013. (The contract was received by OEO on May 20, 2013). Expedited approval is needed to meet national contract award deadlines as established by EEOC. Pursuant to the instructions in the EEOC transmittal letter, OEO has requested an extension to the deadline for submission of the signed contracts.

Attachments:

- 1. EEOC Transmittal Letter
- 2. EEOC Award/Contract Standard Form 30 (2)
- 3. OEO Letter to EEOC re: Extension of Submission Deadline
- 4. Budget Amendment

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Recommended by:	Panelo A	30 Mai	, 2013
	Department Director	Date (
Approved by:	1m		· .
	Assistant County Adminis	strator Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures	2013	2014	2015	2016	2017
Operating Costs	82,500		<u> </u>		
External Revenues	(82,500)				
Program Income (County	ı)				
In-Kind Match (County)					
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative	∍)0	0		_0	_00
Is Item Included in Curre	nt Budge	t? Yes		No	x
-	Fund_000 Program	-		400_ Uni	t_4160_ Object_4801_

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Ad Valorem dollars are involved in this item, these funds are to be paid to the County by the United States Equal Employment Opportunity Commission.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFME

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B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION COUNTY Washington, D.C. 20507

MAY 1 4 2013

EQUAL OPPORTUNITY

Office of the Chief Financial Officer

Palm Beach County Office of Equal Opportunity Attn: FEPA Director 215 North Olive Avenue, Suite 130 West Palm Beach, FL 33401

RE: Contract No. EECCN120020, Modification No. 0001

Dear FEPA Director:

Enclosed are two (2) copies of the Standard Form (SF) 30 and one (1) copy of the entire contract and all attachments.

In order to expedite the execution of this contract, please return two (2) signed copies of the <u>SF 30 only</u> within ten (10) days from receipt of this letter to the following address:

Equal Employment Opportunity Commission Acquisition Services Division 131 M Street, NE, 4th Floor Washington, DC 20507 Attn: Anthony R. Price, Contracting Officer

It is essential that you adhere to the timely submission of the fully executed copies of the signed SF 30. Any request for extension should be made via telephone or in writing. Facsimile requests are acceptable. Our facsimile telephone number is (202) 663-4178.

The single contract document with all attachments is for your records.

Upon execution by the Government, one (1) fully executed copy of the contract will be returned to you for your files.

If you have any questions, please call me on (202) 663-4218.

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Sincerely,

Anthony R. Price, Contracting Officer Acquisition Services Division

Enclosure(s)

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EXERCISES OPTION YEAR 1 TO EXTEND CONTRACT PERFORMANCE FOR A PERIOD OF TWELVE (12) MONTHS COMMENCING OCTOBER 1, 2012, EFFECTIVE AS OF THE DATE OF THIS MODIFICATION, CONTRACT NO. EECCN120020 IS REVISED AS FOLLOWS: Delivery Location Code: MIA00 Miami District Office One Biscayne Tower Suite 2700 Continued Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Except as provided herein, all terms and conditions of the document referenced in liem BA or 10A as heretofore changed, remains unchanged and in full force and effect. David Ot Steven L. Abrams, Mayor, BCC 15C. DATE SIGNED (Signature of person euthorized to sign) (Signature of person euthorized to sign) (Signature of contracting Officer)	PURPOSE: EXERCISE OPTION YE	AR 1.					
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CONTINUATION SHEET

SHEET REFERENCE NO. OF DOCUMENT BEING CONTINUED EECCN120020/0001

NAME OF OFFEROR OR CONTRACTOR PALM BEACH COUNTY

ITEM NO.	SUPPLIES/SERVICES	QUANTITY		UNIT PRICE	AMOUNT
(A)	(B)	(C)	(D)	(E)	(F)
	Miami FL 33131 USA Payment: Equal Employment Opportunity Comm. PO Box 8790 Reston VA 20195-8790 Period of Performance: 10/01/2012 to 09/30/2013 Add Item 0010 as follows:				
010	OFTION YEAR 1 - TITLE VII, ADEA, ADA, AND GINA CHARGE RESOLUTIONS:	123	JA	650.00	79,950.00
	Processing and Resolving, Title VII, ADEA, ADA, and GINA Charges. Each Charge must have been filed since October 1, 2010, (or since October 1, 2009, for each charge where a determination of reasonable cause is issued and the charge is processed through hearings and/or litigation) and resolved in accordance with a charge resolution plan if applicable. Obligated Amount: \$79,950.00				
	Accounting Info: 4501001313BD20130100001013SLP00013PS0FPSLP0SLCR00- FPMIA0-251010 Funded: \$79,950.00				
	Add Item 0011 as follows:				
011	OPTION YEAR 1 - TITLE VII, ADEA , ADA AND GINA INTAKE SERVICES:	23	JA	50.00	1,150.00
	Provide Intake Services for charges, with affidavits, filed during the period October 1, 2013 to September 30, 2014, at a price of \$50 per charge. Obligated Amount: \$1,150.00				ú
I	Accounting Info: 4501001313BD20130100001013SLP00013PS0FPSLP0SLINTK- FPMIA0-251010 Funded: \$1,150.00				
	Add Item 0012 as follows:				
	Continued				
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N 7540-01-152	2-8067	ŀ			OPTIONAL FORM 338 (4-86)

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CONTINUATION SHEET

EECCN120020/0001

NAME OF OFFEROR OR CONTRACTOR PALM BEACH COUNTY

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE	AMOUNT (F)
0012	OPTION YEAR 1 - FY 2013 EEOC/FEPA TRAINING CONFERENCE:	1	JA	1,400.00	1,400.0
	Training to facilitate successful completion of contract, which must include attendance at EEOC-sponsored Annual Conference. Obligated Amount: \$1,400.00				
	Accounting Info: 4501001313BD20130100001013SLP00013PS0FPSLP0SLTRNG- FPMIA0-251010 Funded: \$1,400.00				
	AS A RESULT OF THIS MODIFICATION, THE TOTAL OBLIGATION FOR CONTRACT NO. EECCN120020 IS INCREASED BY \$82,500.00 FROM \$97,550.00 TO \$180,050.00.				
	EXCEPT AS STATED ABOVE, ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.			4	
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ISN 7540-01-15	2-8087				OPTIONAL FORM 338 (4-88) Sponsored by GSA FAR (48 CFR) 53,110

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In addition, listed below are the revised Sections of the contract:

Section C – DESCRIPTIONS AND SPECIFICATIONS

Section II, Paragraph B of the Statement of Work – The last sentence is revised to read as follows:

- From: Upon execution, the Worksharing Agreement dated <u>01/25/2012</u>, is incorporated by reference into this contract.
- To: Upon execution, the Worksharing Agreement dated <u>10/30/2012</u>, is incorporated by reference into this contract.

Section II, Paragraph E of the Statement of Work is revised to read as follows:

- From: It is understood and expressly agreed to by both parties to this contract that all provisions of the EEOC's Contracting Principles for State and Local FEPA for Fiscal Year 2012 are incorporated in their entirety into this contract.
- To: It is understood and expressly agreed to by both parties to this contract that all provisions of the EEOC's Contracting Principles for State and Local FEPA for Fiscal Year 2013 are incorporated in their entirety into this contract.

Section III, of the Statement of Work is revised to read as follows:

- From: Processing of Charges Title VII Charges, and/or ADEA Charges (if applicable), and/or ADA Charges (if applicable):
- To: Processing of Charges Title VII Charges, and/or ADEA Charges (if applicable), ADA Charges (if applicable), and/or GINA Charges (if applicable).

Section III, Paragraph B of the Statement of Work is revised to read as follows:

- From: All charges submitted for credit under this contract shall be completed by the Contractor between October 1, 2011 and September 30, 2012 as follows:
- To: All charges submitted for credit under this contract shall be completed by the Contractor between October 1, 2012 and September 30, 2013 as follows:
- Section III, Paragraph B.1 of the Statement of Work is revised to read as follows:
- From: All charges will be evaluated and determinations made in accordance with the theories of discrimination in employment as developed under Title VII, the ADEA, and the ADA, as appropriate.

To: All charges will be evaluated and determinations made in accordance with the theories of discrimination in employment as developed under Title VII, the ADEA, ADA, and the GINA, as appropriate.

Section F - DELIVERIES OR PERFORMANCE

F.1 PERIOD OF PERFORMANCE

Paragraph F.1 A is revised to read as follows:

- From: A. The period of performance under this contract shall be from October 1, 2011 through September 30, 2012, with two one-year options to extend the term of the contract. (See Section I, 52.217-9 "Option to Extend the Term of the Contract").
- To: A. The period of performance under this contract shall be from October 1, 2012 through September 30, 2013, with a one-year option to extend the term of the contract. (See Section I, 52.217-9 "Option to Extend the Term of the Contract").

F.2 TIME OF DELIVERY/DELIVERABLES

F.2.A.1 – The last sentence is revised to read as follows:

- From: A determination not to award contract credit made may be reversed under the procedures set forth in Section III.B.5.a. of the FY 2012 Contracting Principles.
- To: A determination not to award contract credit made may be reversed under the procedures set forth in Section III.B.5.a. of the FY 2013 Contracting Principles.

Paragraph F.2.A 2 is revised to read as follows:

- From: Enter basic charge data into the IMS or successor system within five days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the FY 2012 Contracting Principles in order to be eligible to receive contract credit.
- To: Enter basic charge data into the IMS or successor system within five days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the **FY 2013** Contracting Principles in order to be eligible to receive contract credit.

Paragraph F.2.A.3 is revised to read as follows:

From: Provide EEOC with a list of final actions within a time frame agreed upon by the COR and the Contractor, but usually no later than 30 days after the resolution of each charge to meet the requirement of Section III. B.2 of the FY 2012

Contracting Principles. The Contractor must ensure the timely and accurate entry of data into the IMS or successor system. The COR will generate charge data lists and reports through the IMS or successor system to verify that this requirement is being met throughout the term of this contract.

To: Provide EEOC with a list of final actions within a time frame agreed upon by the COR and the Contractor, but usually no later than 30 days after the resolution of each charge to meet the requirement of Section III. B.2 of the **FY 2013** Contracting Principles. The Contractor must ensure the timely and accurate entry of data into the IMS or successor system. The COR will generate charge data lists and reports through the IMS or successor system to verify that this requirement is being met throughout the term of this contract.

Paragraph F.2.B.4 is revised to read as follows:

- From: The Contractor must make timely and accurate submission to the EEOC of EEOC Form 322 and EEOC Form 472. All reports covering the first three quarters of the FY 2012 contract must be received by the EEOC prior to September 30, 2012.
- To: The Contractor must make timely and accurate submission to the EEOC of EEOC Form 322 and EEOC Form 472. All reports covering the first three quarters of the FY 2013 contract must be received by the EEOC prior to September 30, 2013.

Section G - CONTRACT ADMINISTRATION DATA

Replace Section G.1 with the following:

G.1 CONTRACT ADMINISTRATION DATA

- A. Contracting Officer: See Block 20A of SF 26
- B. Inspection and Acceptance: See Section E of the Schedule
- C. Accounting and Appropriation Data: See Accounting Line Accounting and Appropriations Data
- D. Contracting Officer's Representative: Maria E. dePaz, State and Local Coordinator Miami District Office Telephone: (305) 808-1752

E. Paying Office: See Block 12 of SF-26

Page 3 of 5

F. Program Director:

Michael J. Dougherty, Director State and Local Programs Office of Field Programs 131 M Street, N.E., Fifth Floor Washington, DC 20507 Telephone: (202) 663-4801

G.4 INVOICING INSTRUCTIONS

Paragraph G.4 is revised to incorporate Paragraph C as follows:

From: A. The Contractor shall submit an original invoice(s) and any other information required to make payments to the following address:

US Equal Employment Opportunity Commission PO Box 8790 Reston, VA 20195-2690

B. A copy of the invoice must be sent to the designated COR.

To:

A. The Contractor shall submit an original invoice(s) and any other information required to make payments to the following address:

US Equal Employment Opportunity Commission PO Box 8790 Reston, VA 20195-2690

- B. A copy of the invoice must be sent to the designated COR.
- C. The contractor may submit an invoice electronically to the following e-mail address: <u>eeocinvoice@gcecloud.com</u>.

G.5 PAYMENT SCHEDULE

Paragraph G.5 is revised to read as follows:

From: Upon contract execution, an advance payment invoice not to exceed fifty (50) percent of the number of charge resolutions stated in the contract, submitted by the Contractor. Subsequent payments will be based on the Contractor's actual production of accepted charge resolutions. The contractor can submit invoices for actual production on a quarterly basis (April 13, July 13, and October 12, 2012). No payment will be made until the contract and subsequent modifications, if any, are returned, properly executed, to the Equal Employment Opportunity Commission, Acquisition Services Division, 131 M Street, N.E., 4th Floor, Washington, D.C. 20507.

Page 4 of 5

To: Upon contract execution, an advance payment invoice not to exceed fifty (50) percent of the number of charge resolutions stated in the contract, submitted by the Contractor. Subsequent payments will be based on the Contractor's actual production of accepted charge resolutions. The contractor can submit invoices for actual production on a quarterly basis (April 12, July 12, and October 11, 2013). No payment will be made until the contract and subsequent modifications, if any, are returned, properly executed, to the Equal Employment Opportunity Commission, Acquisition Services Division, 131 M Street, N.E., 4th Floor, Washington, D.C. 20507.

Section J - LIST OF ATTACHMENTS

Section J is revised to incorporate Attachment D

Attachment D - Worksharing Agreement for FY 2013 - 1 Page

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Attachment 5

FY 2013 EXTENSION OF WORKSHARING AGREEMENT

Inasmuch as there have been no substantive changes in the processes, procedures, statutes, policies or regulations that would adversely affect or substantially alter the work sharing arrangement between the Miami District Office and the Palm Beach County Office of Equal Opportunity, or that would affect the processing of charges filed under the pertinent Federal, state or local statutes, the parties agree to extend the current work sharing agreement that was executed on September 24, 2010 through the FY 2013 Charge Resolution Contract Option Period. By executing this extension, the parties agree to abide by the confidentiality provisions of GINA as well as the other statutes cited in the agreement. This agreement, as well as the attendant Work sharing Agreement may be reopened and amended by mutual consent of the parties.

Robert Weisman, County Administrator Palm Beach County, Florida

10/16/12 Date 10/30/12

Date

lm S. Medley Malco District Director



Office of Equal Opportunity 215 N. Olive Avenue, Suite 130 West Palm Beach, FL 33401 (561) 355-4884 Fax: (561) 355-4932 www.pbcgov.com/equalopportunity

Palm Beach County **Board** of County Commissioners

Steven L. Abrams, Chairman

Priscilla A. Taylor. Vice Chair

Hal R. Valeche **Paulette Burdick**

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Emp

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Fax

To:

Anthony R. Price, Contracting Officer

From:

Fax:

(202) 663-4178

Date:

21 May 2013

Pamela Guerrier, Director

Pages:

2, including this cover sheet

Attached is a request for extension of time submitted by the Palm Beach County Office of Equal Opportunity regarding contract no. EECCN120020, Modification No. 0001.

Please let me know if you need anything further.

From the desk of ...

Pamela Guerrier Director Palm Beach County **Office of Equal Opportunity** 215 North Olive Avenue, Suite 130 West Palm Beach, FL 33401 Pguerrie@pbcgov.org Tel. (561) 355-2558 Fax (561) 656-7012



Office of Equal Opportunity 215 N. Olive Avenue, Suite 130 West Palm Beach, FL 33401 (561) 355-4884 Fax: (561) 355-4932 www.pbcgov.com/equalopportunity

Paim Beach County Board of County Commissioners

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Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer"

S printed on recycled paper

21 May 2013

Via Facsimile (202) 663-4178 and Regular Mail

Equal Employment Opportunity Commission Acquisition Services Division 131 M Street, NE, 4th Floor Washington, DC 20507 Attn.: Anthony R. Price, Contracting Officer

Re: Contract No. EECCN120020, Modification No. 0001 Palm Beach County Office of Equal Opportunity

Dear Mr. Price:

This correspondence is to acknowledge receipt of the Contract No. EECCN120020, Modification No. 0001 and Standard Form (SF) 30. Pursuant to the instructions in your transmittal letter, it is requested that the Palm Beach County Office of Equal Opportunity be granted an extension of time within which to submit the signed contracts.

Pursuant to the Charter and Ordinances of Palm Beach County, Florida, all contracts must be approved by the Board of County Commissioners at a public meeting. We have prepared the required documents to have this contract approved by the Board of County Commissioners at the June 18, 2013 meeting. Upon approval, the contracts will be returned to the EEOC via overnight express delivery.

If you wish to discuss this matter, please reach me at (561) 255-2558 or via e-mail at Pguerrie@pbcgov.org

Sincerely, Pamela Guerrier, Director

Cc: EEOC, Miami District Office, State and Local Coordinator

2013 -

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Fund 0001 General Fund

BGRV 052113*583 BGEX 052113*1607

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 05/21/13	REMAINING BALANCE
,		р.		· · ·			- Alexandron and Ann
Revenues							
400-4160-4900 Charges for Services-Other	82,000	82,000	500	0	82,500		
TOTAL RECEIPTS & BALANCES	1,037,880,761	1,067,236,030	500	0	1,067,236,530	н -	
Expenditures						÷	2
400-4160-4801 Promotl Activities (Ord 86-19)	5,450	5,450	500	0	5,950	1,593	4,357
TOTAL APPROPRIATIONS & EXPENDITURES	1,037,880,761	1,067,236,030	500	0	1,067,236,530		r
Office of Financial Management & Budget	DN	Signatures		41		OF COUNTY COMM AT MEETING OF	ISSIONERS
INITIATING DEPARTMENT/DIVISION Administration/Budget Department Approval OFMB Department - Posted	Jamele M		21 may	7013	J.	fune 18, 2013 Deputy Clerk to the of County Commissio	ners