## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

# **AGENDA ITEM SUMMARY**

MEETING DATE: 8/20/19

[X] Consent

[] Regular

[] Ordinance

[] Public Hearing

Department: Equal Opportunity

Submitted By: Equal Opportunity

## I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) an Amendment of Solicitation/Modification of Contract (Contract No. 45310018C0053P00001) with the U. S. Equal Employment Opportunity Commission (EEOC) in the total amount of \$76,100 as payment for processing and resolving employment discrimination complaints;

B) a net upward Budget Amendment of \$2,100 in the General Fund to adjust the budget to the actual contract.

Summary: Execution of the documents are required so that Office of Equal Opportunity (OEO) can receive payment for processing and resolving complaints of employment discrimination pursuant to the Worksharing Agreement with the EEOC. Contract No. 45310018C0053P00001 is for FY 2018-2019 and is in the amount of \$76,100 (\$70,400 for charge processing; \$2,800 for intake services; \$1,900 for attendance at EEOC sponsored annual training and \$1,000 for Fair Employment Practices Agencies engagement funding). No County funds are required. 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 and payment for travel expenses to attend EEOC training to facilitate the successful completion of the contracts.

Contract No. 45310018C0053P00001, is retroactive to October 1, 2018. EEOC distributed the FY 2018-2019 contracts to state and local agencies via letter dated June 7, 2019. 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 Amendment of Solicitation/Modification of Contract (45310018C0053P00001)
- 3. OEO Letter to EEOC re: Extension of Submission Deadline
- 4. Budget Amendment

Recommended by:	23 July 2019.
Department Director	Date
Approved by: Assistant County Administrator	Date / / / 9

# II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fisc	cal Impact:		
Fiscal Years 2019 Capital Expenditures Operating Costs 2,100 External Revenues (2,100 Program Income (County) In-Kind Match (County)	<del>)</del> ————————————————————————————————————	2022 2023	
NET FISCAL IMPACT	-00-	-00-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	00	00	0
Is Item Included in Current Bu	udget? Yes X	No	
Does this Item include the use	of federal funds?	Yes X No	
Budget Account No.: Fund_ Progra	Department_ um Category	Unit	Object
B. Recommended Sources of F	Funds/Summary of	Fiscal Impact:	
No Ad Valorem dollars are invo Equal Employment Opportunity	lved in this item. T Commission.	hese funds are to	be paid to the County by the United States
C. Departmental Fiscal Review	v:		
	ш веуп	EW COMMEN	TS.
A. OFMB Fiscal and/or Contra			10.
OFMB OFMB OFMB OFMB Assistant County Attorney	103 103	An	Administration VIZA/14 TW
C. Other Department Review:			
Department Director			•

## **Pamela Guerrier**

From:

DOREEN STARKES < DOREEN.STARKES@EEOC.GOV>

Sent:

Friday, June 7, 2019 1:50 PM

To:

Pamela Guerrier

Subject:

\*\*\* For signature and return - EEOC 2019 FEPA CONTRACT EXTENSION - Palm Beach

45310018C0053 P00001 - FP190060

**Attachments:** 

45310018C0053P00001\_Palm Beach\_OY1\_FP190060.pdf

importance:

High

\*\*\*\*\* Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. \*\*\*\*\*\*

To: Pamela Guerrier

The attached file contains a copy of the above subject FEPA contract modification. It is submitted for your review and consideration.

In order to expedite the execution of the above-mentioned modification, it is requested that you **return a signed** copy to my attention via e-mail for final execution. My email address is <u>Doreen.Starkes@eeoc.gov</u>.

Please, reply via e-mail to my attention to confirm receipt of this message and the attachment at your earliest convenience.

Thank you for your cooperation and support.

Doreen Starkes
Contracting Officer
Acquisition Services Division
U.S. Equal Employment Opportunity Commission
131 M Street, N.E., 4th Floor, OCFO/ASD
Washington, D.C. 20507
(202)663-4240 Ofc. Tel.

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EEOC OCFO ASD 131 M Street, N.E., 4th Floor Washington, DC, 20507 Attn: Doreen Starkes (202) 663-4240			EEOC Miami District Office Miami Tower, 100 SE 2nd Street F1 15 Miami, FL, 33131 Attn: Ina Depaz (305)808-1752					
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				X	10B. DATED (SE			
					07/03/2018	,		
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Previous edition unusable

STANDARD FORM 30 (REV. 10-83) Prescribed by GSA FAR (48 CFR) 53.243

# **Summary of Changes**

# **Modification Changes**

Effective as of the date of this Modification No. 45310018C0053P00001 is revised as follows:

1. Contract Line Item Numbers (CLINs):

**CLIN 0005:** OPTION YEAR 1 - TITLE VII, ADEA, ADA, AND GINA **CHARGE RESOLUTIONS:** Processing and Resolving, Title VII, ADEA, ADA and GINA Charges. Each Charge must have been filed since October 1, 2014, (or since October 1, 2013, 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.

Period of Performance: 10/01/2018 - 09/30/2019.

Unit of Measure and Quantity:88 ea

Unit Price: \$800.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLCR | NA | NA | NA

Funded Value: \$70,400.00

**CLIN 0006**: OPTION YEAR 1 - TITLE VII, ADEA, ADA, AND GINA **INTAKE** SERVICES: Provide Intake Services for charges, with affidavits, filed during the period October 1, 2018 to September 30, 2019 at a price of \$80 per charge.

Period of Performance: 10/01/2018 - 09/30/2019.

Unit of Measure and Quantity: 35 ea

Unit Price: \$80.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLINTK | NA | NA | NA

Funded Value: \$2,800.00

**CLIN 0007**: OPTION YEAR 1 - FY 2019 EEOC/FEPA **TRAINING**: Training to facilitate successful completion of contract, including EEOC-Sponsored Annual Training.

Period of Performance: 10/01/2018 - 09/30/2019.

Unit of Measure and Quantity: 1 ea

Unit Price: \$1,900.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLTRNG | NA | NA

Funded Value: \$1,900.00

**CLIN 0011**: OPTION YEAR 1 - FY 2019 FEPA **ENGAGEMENT** FUNDING: Submission of an acceptable written proposal detailing a joint EEOC/FEPA enforcement, outreach, or training activity in support of a Strategic Enforcement Plan or District Complement plan prior to 9/30/2019.

Period of Performance: 10/01/2018 - 09/30/2019.

Unit of Measure and Quantity: 1 ea

Unit Price: \$1,000.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLIOUT | NA | NA | NA

Funded Value: \$1,000.00

2. Reference Requisition No.: FP190060

5. As a result of this modification, the grand total for the contract is increased by \$76,100.00 from \$76,060.00 to \$152,160.00.

6. Except as stated above, all other terms and conditions remain unchanged.

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

# Section C - <u>DESCRIPTIONS AND SPECIFICATIONS</u>

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 12/13/2017, is incorporated by reference into this contract.

To: Upon execution, the Worksharing Agreement dated <u>11/14/2018</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 2018 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 2019 are incorporated in their entirety into this contract.

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**, <u>2017</u> and **September 30**, <u>2018</u> as follows:

To: All charges submitted for credit under this contract shall be completed by the Contractor between **October 1**, <u>2018</u> and **September 30**, <u>2019</u> as follows:

# Section D - PACKAGING AND MARKING

Section D is revised to incorporate the language, "Charge/case file material and reports to be furnished to the designated field office may be through the regular U.S. mail and should be adequately packaged to assure safe delivery to the designated office or via electronic transmission."

## 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**, <u>2017</u> through **September 30**, <u>2018</u>, 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, 2018 through September 30, 2019.

## F.2 TIME OF DELIVERY/DELIVERABLES

Paragraph 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 2018 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 2019 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 business days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the FY 2018 Contracting Principles in order to be eligible to receive contract credit.

To: Enter basic charge data into the IMS or successor system within five business days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the FY 2019 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 calendar days after the resolution of each charge to meet the requirement of Section III. B.2 of the FY 2018 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 calendar days after the resolution of each charge to meet the requirement of Section III. B.2 of the FY 2019 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 2018 contract must be received by the EEOC prior to September 30, 2018.

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 2019 contract must be received by the EEOC prior to September 30, 2019.

Paragraph F.2.C is incorporated as follows:

## C. Proposal for FY 2019 FEPA Engagement

From: The Contractor must submit to the Contracting Officer Representative prior to September 30, 2018, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

To: The Contractor must submit to the Contracting Officer Representative prior to September 30, 2019, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposed to perform, and (3) which the EEOC finds to be feasible and acceptable.

# Section G - CONTRACT ADMINISTRATION DATA

## 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. 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., 4<sup>th</sup> Floor, Washington, D.C. 20507.

To: Upon contract execution, an advance payment invoice not to exceed fifty (50) percent of the number of charge resolutions stated in the contract, **must be 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. 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., 4<sup>th</sup> Floor, Washington, D.C. 20507.

# Section H - SPECIAL CONTRACT REQUIREMENTS

Paragraph H.10 is revised to read as follows:

## H.10 FEPA ENGAGEMENT FUNDING

From: To be eligible to invoice for the funding, in the amount of \$1,000, the Contractor must submit to the Contracting Officer Representative prior to **September 30**, 2017, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

To: To be eligible to invoice for the funding, in the amount of \$1,000, the Contractor must submit to the Contracting Officer Representative prior to **September 30**, **2019**, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

# Section $I - \underline{CONTRACT\ CLAUSES}$

Section I is revised as follows:

Clause Number	Clause Title
52.204-13	System for Award Management Maintenance. (OCT 2018)
52.222-50	Combating Trafficking in Persons. (JAN 2019)
52.232-33	Payment by Electronic Funds TransferSystem for Award Management. (OCT 2018)
52.244-6	Subcontracts for Commercial Items. (JAN 2019)

# $Section \ J-\underline{\boldsymbol{LIST\ OF\ ATTACHMENTS}}$

Section J is revised to incorporate Attachment D as follows:

Attachment D - Worksharing Agreement for FY 2019 - 1 Page

# FY 2019 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 October 18, 2017 through the FY 2019 Charge Resolution Contract Option Period, from October 1, 2018 through September 30, 2019. The agencies agree to work together in furtherance of the provisions of EEOC's current Strategic Plan when assessing the allocation of charges under this agreement and to cooperate in compliance and enforcement efforts as well as training, outreach and technical assistance efforts encompassed by the Plan. 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 Worksharing Agreement may be reopened and amended by mutual consent of the parties.

Verdenia C. Baker, County Administrator

Palm Beach County

FEPA: Palm Beach County Office of Equal Opportunity

Michael J. Farrell, District Director

U.S. Equal Employment Opportunity Commission

Miami District Office

Approved as to terms and conditions

Pamela Guerrier

Director, Office of Equal Opportunity

Approved as to form and legal sufficiency

David R. F. Ottey Chief Assistant County Attorney



#### Office of Equal Opportunity

301 N. Olive Avenue, 10th Floor
West Palm Beach, FL 33401
(561) 355-4884
Fax: (561) 355-4932
www.pbcgov.com/equalopportunity

#### Palm Beach County Board of County Commissioners

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

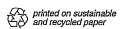
Mary Lou Berger

Melissa McKinlay

## **County Administrator**

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"



## 10 June 2019

Via Email Only: <u>Doreen.Starkes@eeoc.gov</u>
U.S. Equal Employment Opportunity Commission
Acquisition Services Division
131 M Street, NE, 4<sup>th</sup> Floor, OCFO/ASD
Washington, DC 20507
Attn.: Doreen Starkes, Contracting Officer

Contract No. 45310018C0053P00001
Palm Beach County Office of Equal Opportunity

Dear Ms. Starkes:

This correspondence is to acknowledge receipt of the Contract No. 45310018C0053 (Standard Form 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 August 20, 2019 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

Sincerely,

Pamela Guerrier, Director

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

## BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Page 1 of 1

BGRV 400 062519\*497 BGEX 400 062519\*1543

# FUND 0001 - General Fund - Office of Equal Opportunity (OEO)

							EXPENDED/	
A COT NIIMBED	A COOKTINITE INTA INVITE	ORIGINAL	CURRENT			ADJUSTED	<b>ENCUMBERED</b>	REMAINING
ACCT NUMBER	ACCOUNT NAME	BUDGET	BUDGET	INCREASE	DECREASE	BUDGET	06/25/19	BALANCE
REVENUES:								
400-4160-4900	Charges for Services-Other	74,000	74,000	2,100	0	76,100		
	Total Receipts and Balances	1,404,865,328	1,447,663,189	2,100	0	1,447,665,289		
APPROPRIATION	S & EXPENDITURES							
400-4160-1201	Sal & Wages Regular	200,566	200,566	2,100	0	202,666	140,729	61,937
TOTAL APPR	ROPRIATIONS & EXPENDITURES	1,404,865,328	1,447,663,189	2,100	0	1,447,665,289		
	fice of Equal Opportunity PARTMENT/DIVISION	Signatures		Date			By Board of County At Meeting of 08/20/2	
Administration/Bud OFMB Department	get Department Approval - Posted						Deputy Clerk to the Board of County Cor	nmissioners

# Pamela Guerrier

From:

DOREEN STARKES < DOREEN.STARKES@EEOC.GOV>

Sent:

Friday, June 7, 2019 1:50 PM

To:

Pamela Guerrier

Subject:

\*\*\* For signature and return - EEOC 2019 FEPA CONTRACT EXTENSION - Palm Beach

45310018C0053 P00001 - FP190060

Attachments:

45310018C0053P00001\_Palm Beach\_OY1\_FP190060.pdf

Importance:

High

\*\*\*\*\*\* Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. \*\*\*\*\*\*

To: Pamela Guerrier

The attached file contains a copy of the above subject FEPA contract modification. It is submitted for your review and consideration.

In order to expedite the execution of the above-mentioned modification, it is requested that you return a signed copy to my attention via e-mail for final execution. My email address is <u>Doreen.Starkes@eeoc.gov</u>.

Please, reply via e-mail to my attention to confirm receipt of this message and the attachment at your earliest convenience.

Thank you for your cooperation and support.

**Doreen Starkes** Contracting Officer Acquisition Services Division U.S. Equal Employment Opportunity Commission 131 M Street, N.E., 4th Floor, OCFO/ASD Washington, D.C. 20507 (202)663-4240 Ofc. Tel.

AMENDMENT OF SOLICITATION/MC	DIFICATION OF CO	NTRACT	1.0	CONTRACT ID CODE		PAGE OF	PAGES
2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHAS	ERCO	NIO.	1	1	8
45310018C0053P00001	10/01/2018	FP190060	E REQ.	NO.	5. PROJECT N	IO. (Ifappi	icble)
6. ISSUED BY CODE	453100	7. ADMINISTERED BY (E	fotheri	than Item 6)	CODE	EE465	
EEOC OCFO ASD 131 M Street, N.E., 4th Floor Washington, DC, 20507 Attn: Doreen Starkes (202) 663-4240		EEOC Miami Dist: Miami Tower, 100 Miami, FL, 3313: Attn: Ina Depaz (305)808-1752	) SE	Office 2nd Street F	1 15		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, count	y, State and ZIP Code)		(20)	9A. AMENDMENT C	DE SOLICIATION	INO	
COUNTY OF, PALM BEACH 301 N OLIVE AVE FRNT WEST PALM BEACH, FL, 33401-4705			(//				
				9B. DATED (SEEITI			
			X	10A. MODIFICATION 45310018C0 10B. DATED (SEE	053	I/OKDER NO	•
CODE				07/03/2018	- 11LW 10)		
	ILITY CODE						
The above numbered solicitation is amended as set forth in It	DNLY APPLIES TO AMEN		ATIO	NS			
DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AI already submitted, such change may be made by telegram or lette amendment, and is received prior to the opening hour and date sp	copies of the amendment; (b) By the solicitation and amendment	y acknowledging receipt of the numbers. FAILURE OF YOU	nis ame R ACKN	ndment on each cop OWLEDGMENT TO B	y of the offer s		ge än offer
12. ACCOUNTING AND APPROPIRATION DATA (If required) See Schedule							·
13. THIS ITEM ONLY	APPLIES TO MODIFICA CONTRACT/ORDER NO	TION OF CONTRACTS	S/OR	DERS.			
CHECK ONE A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: NO. IN ITEM 10A.		THE CHANGES SET FORTH IN			CONTRACT ORI	DER	
B. THE ABOVE NUMBERED CONTRACT/ORDER appropriation date, etc. ) SET FORTH IN ITE	IS MODIFIED TO REFLECT THE A	DMINISTRATIVE CHANGES		(such as chang	es in paying offi	ice,	
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERE	D INTO PURSUANT TO AUTHOR	TY OF:					
D. OTHER (Specify type of modification and author	prity)						
Section I, 52.217-9 Option  E. IMPORTANT: Contractor  isnot  i			MAR				
	s required to sign this do		_		ies to the is:	suing offic	e.
DDIFICATION CONTROL NUMBER: 45310018C0053		ing solicitation/contract subje	ect mati	terwherefeasible.)			
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PURSUANT TO SECTION THE GOVERNMENT HEREBY PERIOD OF TWELVE (12) (SEE PAGE 2 AND ATTAC	MONTHS COMMENCENCE	CHAR I TO EXTEND (					
Except as provided herein, all terms and conditions of the document  15A. NAME AND TITLE OF SIGNER  (Type or print)	referenced in Item 9A or 10A, a	as heretofore changed, rema	ins unc	hanged and in full fo	rce and effect.		
TOA. NAME AND TITLE OF SIGNER (Typeorprint)	16, S+	A. NAME AND TITLE OF CON tarkes, Doreen P	TRACTI		(Type or print)		
L5B. CONTRACTOR/OFFEROR		ontracting Office: B. UNITED STATES OF AMERIC			·	Las -	
(Signature of person authorized to sign)	_					16C. DATE S	IGNED
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Approved as to terms and con	ditions A	Approved as to Fo	orm	and Legal Sı	ufficiency	у	
Pamela Guerrier Director, OI		David Ottey, Chie	ef As	sistant Cour	ity Attori	ney	

# **Summary of Changes**

# **Modification Changes**

Effective as of the date of this Modification No. 45310018C0053P00001 is revised as follows:

1. Contract Line Item Numbers (CLINs):

**CLIN 0005:** OPTION YEAR 1 - TITLE VII, ADEA, ADA, AND GINA **CHARGE RESOLUTIONS**: Processing and Resolving, Title VII, ADEA, ADA and GINA Charges. Each Charge must have been filed since October 1, 2014, (or since October 1, 2013, 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.

Period of Performance: 10/01/2018 - 09/30/2019.

Unit of Measure and Quantity:88 ea

Unit Price: \$800.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLCR | NA | NA | NA

Funded Value: \$70,400.00

**CLIN 0006**: OPTION YEAR 1 - TITLE VII, ADEA, ADA, AND GINA **INTAKE** SERVICES: Provide Intake Services for charges, with affidavits, filed during the period October 1, 2018 to September 30, 2019 at a price of \$80 per charge.

Period of Performance: 10/01/2018 – 09/30/2019.

Unit of Measure and Quantity: 35 ea

Unit Price: \$80.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLINTK | NA | NA

Funded Value: \$2,800.00

CLIN 0007: OPTION YEAR 1 - FY 2019 EEOC/FEPA TRAINING: Training to facilitate successful completion

of contract, including EEOC-Sponsored Annual Training. Period of Performance: **10/01/2018 – 09/30/2019**.

Unit of Measure and Quantity: 1 ea

Unit Price: \$1,900.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLTRNG | NA | NA

Funded Value: \$1,900.00

**CLIN 0011**: OPTION YEAR 1 - FY 2019 FEPA **ENGAGEMENT** FUNDING: Submission of an acceptable written proposal detailing a joint EEOC/FEPA enforcement, outreach, or training activity in support of a

Strategic Enforcement Plan or District Complement plan prior to 9/30/2019.

Period of Performance: 10/01/2018 – 09/30/2019. Unit of Measure and Quantity: 1 ea

Unit Price: \$1,000.00

Charge Account: 2019 | 0100B1919D | 10SLPPS | FPSLP | NA | 251010 | 999996 | 9999 | SLIOUT | NA | NA | NA

Funded Value: \$1,000.00

2. Reference Requisition No.: FP190060

5. As a result of this modification, the grand total for the contract is increased by \$76,100.00 from \$76,060.00 to \$152,160.00.

6. Except as stated above, all other terms and conditions remain unchanged.

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

# Section C - <u>DESCRIPTIONS AND SPECIFICATIONS</u>

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 12/13/2017, is incorporated by reference into this contract.

To: Upon execution, the Worksharing Agreement dated <u>11/14/2018</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 2018 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 2019 are incorporated in their entirety into this contract.

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**, <u>2017</u> and **September 30**, <u>2018</u> as follows:

To: All charges submitted for credit under this contract shall be completed by the Contractor between **October 1**, 2018 and **September 30**, 2019 as follows:

## Section D - PACKAGING AND MARKING

Section D is revised to incorporate the language, "Charge/case file material and reports to be furnished to the designated field office may be through the regular U.S. mail and should be adequately packaged to assure safe delivery to the designated office or via electronic transmission."

## 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**, <u>2017</u> through **September 30**, <u>2018</u>, 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, 2018 through September 30, 2019.

# F.2 TIME OF DELIVERY/DELIVERABLES

Paragraph 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 2018 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 2019 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 business days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the FY 2018 Contracting Principles in order to be eligible to receive contract credit.

To: Enter basic charge data into the IMS or successor system within five business days of the Contractor's receipt of each charge as set forth in Section III.B.5.a of the FY 2019 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 calendar days after the resolution of each charge to meet the requirement of Section III. B.2 of the FY 2018 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 calendar days after the resolution of each charge to meet the requirement of Section III. B.2 of the FY 2019 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 2018 contract must be received by the EEOC prior to September 30, 2018.

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 2019 contract must be received by the EEOC prior to September 30, 2019.

Paragraph F.2.C is incorporated as follows:

## C. Proposal for FY 2019 FEPA Engagement

From: The Contractor must submit to the Contracting Officer Representative prior to September 30, 2018, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

To: The Contractor must submit to the Contracting Officer Representative prior to September 30, 2019, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposed to perform, and (3) which the EEOC finds to be feasible and acceptable.

## Section G - CONTRACT ADMINISTRATION DATA

## 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. 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., 4<sup>th</sup> Floor, Washington, D.C. 20507.

To: Upon contract execution, an advance payment invoice not to exceed fifty (50) percent of the number of charge resolutions stated in the contract, **must be 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. 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., 4<sup>th</sup> Floor, Washington, D.C. 20507.

# Section H - SPECIAL CONTRACT REQUIREMENTS

Paragraph H.10 is revised to read as follows:

# H.10 FEPA ENGAGEMENT FUNDING

From: To be eligible to invoice for the funding, in the amount of \$1,000, the Contractor must submit to the Contracting Officer Representative prior to **September 30**, 2017, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

To: To be eligible to invoice for the funding, in the amount of \$1,000, the Contractor must submit to the Contracting Officer Representative prior to **September 30**, 2019, a written proposal detailing a joint enforcement, joint outreach or joint training activity with the EEOC District Office which (1) identifies and supports a specific priority contained in either EEOC's Strategic Enforcement Plan or the District Office's Complement Plan, (2) contains sufficient details and a certification that the FEPA is willing and able to perform the actions it proposes to perform, and (3) which the EEOC finds to be feasible and acceptable.

# Section I - CONTRACT CLAUSES

Section I is revised as follows:

Clause Number	Clause Title
52.204-13	System for Award Management Maintenance. (OCT 2018)
52.222-50	Combating Trafficking in Persons. (JAN 2019)
52.232-33	Payment by Electronic Funds TransferSystem for Award Management. (OCT 2018)
52.244-6	Subcontracts for Commercial Items. (JAN 2019)

# Section $J - \underline{\textbf{LIST OF ATTACHMENTS}}$

Section J is revised to incorporate Attachment D as follows:

Attachment D - Worksharing Agreement for FY  $\underline{2019}$  - 1 Page

# FY 2019 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 October 18, 2017 through the FY 2019 Charge Resolution Contract Option Period, from October 1, 2018 through September 30, 2019. The agencies agree to work together in furtherance of the provisions of EEOC's current Strategic Plan when assessing the allocation of charges under this agreement and to cooperate in compliance and enforcement efforts as well as training, outreach and technical assistance efforts encompassed by the Plan. 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 Worksharing Agreement may be reopened and amended by mutual consent of the parties.

Verdenia C. Baker, County Administrator

Palm Beach County

FEPA: Palm Beach County Office of Equal Opportunity

Michael J. Farrell, District Director
U.S. Equal Employment Opportunity Commission

Miami District Office

Approved as to terms and conditions

Pamela Guerrier

Director, Office of Equal Opportunity

Approved as to form and legal sufficiency

Chief Assistant County Attorney



#### Office of Equal Opportunity

301 N. Olive Avenue, 10th Floor West Palm Beach, FL 33401 (561) 355-4884 Fax: (561) 355-4932

www.pbcgov.com/equalopportunity

#### Palm Beach County Board of County Commissioners

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

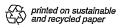
Mary Lou Berger

Melissa McKinlav

#### **County Administrator**

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"



## 10 June 2019

Via Email Only: <u>Doreen.Starkes@eeoc.gov</u>
U.S. Equal Employment Opportunity Commission
Acquisition Services Division
131 M Street, NE, 4<sup>th</sup> Floor, OCFO/ASD
Washington, DC 20507
Attn.: Doreen Starkes, Contracting Officer

Contract No. 45310018C0053P00001
Palm Beach County Office of Equal Opportunity

Dear Ms. Starkes:

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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 August 20, 2019 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

Sincerely,

Cc:

Pamela Guerrier, Director

EEOC, Miami District Office, State and Local Coordinator

## BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY, FLORIDA BUDGET AMENDMENT

Page 1 of 1

BGRV 400 062519\*497 BGEX 400 062519\*1543

FUND 0001 - General Fund - Office of Equal Opportunity (OEO)

ACCT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED 06/25/19	REMAINING BALANCE
REVENUES:								
400-4160-4900	Charges for Services-Other	74,000	74,000	2,100	0	76,100		
	Total Receipts and Balances	1,404,865,328	1,447,663,189	2,100	0	1,447,665,289	_	
APPROPRIATION	S & EXPENDITURES						-	
400-4160-5111	Office Furniture and Equipment	0	0	2,100	0	2,100	1,974	126
TOTAL APPI	ROPRIATIONS & EXPENDITURES	1,404,865,328	1,447,663,189	2,100	0	1,447,665,289	- -	
INITIATING DE Administration/Buc	fice of Equal Opportunity PARTMENT/DIVISION Iget Department Approval	Signatures		Date 25 July 2	<u>⊃19</u>		By Board of County ( At Meeting of 08/20/2  Deputy Clerk to the	
OFMB Department	- Posted						<b>Board of County Con</b>	ımissioners