



DATE: October 27, 2009
TO: Board of Supervisors
FROM: Ted J. Cwiek, Director of Human Resources
SUBJECT: Contracted Temporary Help Services

INTRODUCTION

On June 23, 2009, it was recommended that the Board of Supervisors authorize the execution of contracts with several providers of temporary employment services. At that time, the Board approved contracting with AppleOne Employment Services and Kelly Services for temporary help, while issues relating to the bidding process raised by an unsuccessful bidder were resolved. The Board further directed that Human Resources review the conduct associated with the processing of bids and determine whether or not the selection process was compliant with the County's outreach program for women, minority and disadvantaged businesses, as well as the Small Business Enterprise Program.

By way of memorandum dated July 14, 2009 (Exhibit 4 to Attachment B), compliance with the County's bidding programs was examined. The matter was again considered by the Board on September 15, 2009 at which point it was concluded that the bidding process had complied with all County program requirements.

However, an e-mail dated July 17, 2009 had been received from an unsuccessful bidder, HR Management, as well as a subsequent July 20, 2009 correspondence from legal counsel for HR Management. In addition, immediately prior to the September 15, 2009 meeting, correspondence was received from former successful bidder, TeamPersona, raising issues with regard to the failure of TeamPersona's bid to continue as a supplier of temporary help services.

At the September 15, 2009 meeting, the Board directed staff to respond, with specificity, to the e-mail received from HR Management dated July 17, 2009, as well as the correspondence from legal counsel for HR Management dated July 20, 2009. In addition, staff was directed to respond to the September 14, 2009 correspondence from TeamPersona as well.

HR MANAGEMENT E-MAIL DATED JULY 17, 2009

Attachment A is a point-by-point response to the issues raised by the e-mail dated July 17, 2009 from HR Management.

Specifically, HR Management alleged that AppleOne and Kelly Services have had contracts with the County for over 25 years. This statement is factually incorrect in that the relationship with AppleOne has existed since the mid-1990s and Kelly Services has had a recent relationship with the County for only four years, beginning in 2005.

The e-mail went on to allege that the County engaged in a pattern and practice of awarding contracts to the same vendors year-after-year without a sincere and bonafide effort to diversify the County's vendor pool. In response to this fact, it is pointed out that the request for proposal process had in fact previously awarded a portion of the contract to a SBE/WBE/MBE firm.

The e-mail next challenged the composition of the Evaluation Panel as being comprised of County staff. It is correct that the evaluation panel consisted of County employees from departments who utilize the services temporary help firms consisting of four female and one male staff person. There was no evidence submitted suggesting that the race or gender of the panel members affected the outcome of the bid process.

The e-mail also claimed that HR Management received a higher score than successful bidder Barrett. One evaluation panel member did rate HR Management one point higher than Barrett, but the retained rating sheets as well as the conclusions of the Evaluation Panel scored HR Management lower than Barrett. In addition, Barrett's economic proposal was more favorable than that submitted by HR Management.

The e-mail further alleged that the Evaluation Panel had erroneously failed to consider the Contra Costa County's Small Business and Outreach Programs in their final decisions. As noted above, it has now been determined that the requirements for all applicable County bidding processes have been met.

Finally, the e-mail claimed no outreach to Disabled Veterans Services firms, however, two such firms responded to the Request for Proposal.

ALLEGATIONS RAISED BY THE ATTORNEY FOR HR MANAGEMENT

Attachment B is a point-by-point response to the allegations raised by legal counsel for HR Management. In addition to responding to each allegation, Attachment B also contains exhibits which explain the manner in which the Evaluation Panel conducted its review.

In summary, it should be noted that all of the documents utilized during the evaluation process were not retained. Counsel for HR Management reviewed those documents which were retained, and reached numerous erroneous conclusions based on those documents. For example, counsel for HR Management confused the rating of a single panel member with the conclusion of the entire panel. In addition, HR Management contended that it was left out of a "best arguments" process when the notes reviewed were prepared for a day when HR Management did not make a presentation.

HR Management further alleged that it did not receive the full amount of points it was due with respect to its ability to provide bilingual candidates. However, this conclusion again confused the rating documents of one rater with the work of the entire Evaluation Panel.

Finally, HR Management alleged that it was the only SBE and MBE to submit a response for Request for Proposals. As pointed out in the memorandum furnished to the Board of Supervisors dated July 14, 2009 (Exhibit 4), ten potential vendors representing Women Owned

Business Enterprises (WBE), Minority Owned Business Enterprises (MBE) and Small Business Enterprises (SBE) were received.

THE CHALLENGE OF TeamPersona

Unlike HR Management, TeamPersona had an actual track record with Contra Costa County prior to the Request for Proposals being issued. Contra Costa County contracted with TeamPersona for temporary help services from the period of July 2005 through June 2009. TeamPersona qualifies as an MBE/SBE/WBE Business Enterprise.

Unfortunately, several significant communication issues, detailed at length in Attachment C, resulted in a less than satisfactory performance by TeamPersona.

In summary, TeamPersona failed to promptly respond to requests for information and, in fact, relocated its offices without notice to Contra Costa County.

CONCLUSION

All of the bidders who responded to the Request for Proposals issued by Contra Costa County for temporary help services were treated in exactly the same fashion. As all of the documentation submitted herewith indicates, the Evaluation Panel complied with the Small Business and Outreach Program policies of the County and selected the successful bidders based on price and performance. The Human Resources Department respectfully requests that the Board of Supervisors approve the remaining contracts for temporary help services with Barrett Business Services, Inc. and Ultimate Staffing Services.

TJC:dn

Attachments

Attachment A

**Response to HR Management's
E-mail Dated July 17, 2009**

1. AppleOne and Kelly have had contracts with the County for over twenty-five years.

FACT: This statement is incorrect. Human Resources records indicate a relationship with AppleOne since the mid 90's. Kelly Services has most recently had a relationship with the County for only four years, starting in 2005.

2. County HR's recommendation of AppleOne and Kelly has a disparate impact on small businesses because it establishes a pattern and practice of awarding contracts to the same vendors year-after-year without a sincere and bonafide effort to diversify the County's vendor pool.

FACT: This is untrue. In the previous Request for Proposal process, a SBE/WBE/MBE firm was awarded a contract.

3. It is noteworthy that the composition of the County's Evaluation Panel consisted primary of County staff members. Conspicuously absent from the Evaluation Panel were any County staff members of ethnic of minority groups or representatives from the County's Affirmative Action Department.

FACT: The Evaluation Panel consisted of all County employees and included 4 women and 1 man.

4. The Evaluation Panel committed reversible error by ranking one vendor (Barrett) higher than HR Management when, in fact, panel scoring sheets confirm HRM scored higher than Barrett.

FACT: One evaluation panel member did rate HR Management one point higher than Barrett. However, the other rating sheet that was retained, scored HR Management lower than Barrett.

5. The County HR and the Evaluation Panel erroneously failed to consider or include Contra Costa County Small Business and Outreach Programs in their final decisions.

FACT: This allegation is untrue. The Evaluation Committee did consider the County's Small Business and Outreach Program in their final decision. However, the final determining factor was based on economic reasons.

6. The County HR and related staff did not do any outreach to Service Disabled Veteran Business Enterprises.

FACT: This allegation is true. Specific outreach to Service Disabled Veterans Business Enterprises did not occur. However, two disadvantage firms did respond to the Request for Proposal.

Attachment B

Response to Allegations from the Attorney for HR Management

Allegation #1: HR Management Received Higher Ratings than Barrett, a company currently being recommended for a contract award by the Human Resources Director.

HR Management alleges that it received a higher overall rating than Barrett and should have been awarded the contract.

FACT: While only two rating sheets were retained from the Evaluation Committee for HR Management and Barrett Business Services, they ranked Barrett with an overall score of 53 and HR Management with an overall score of 54. However, based upon all the information the Evaluation Committee had, their overall recommendation was to award the contract to Barrett Business Services, Inc. as they were the lowest possible bidder with a mark-up percentage of 24% compared to HR Management with a mark-up percentage of 30.83%.

HR Management further alleges that although the evaluation panel was comprised of five members, and while the Human Resources Director produced five evaluation sheets for AppleOne, Kelly and Ultimate Staffing, **only two evaluation sheets (each) were provided for HR Management and Barrett.**

FACT: The Director of Human Resources provided HR Management with all the evaluations sheets and rater notes that were retained from both days presentations. After the public records request was received from HR Management, the Human Resources Department did contact the raters and requested the original evaluation sheets and notes from all the presentations. However, the remaining evaluation panel members had already disposed of their notes and/or rating sheets.

Allegation #2: HR Managements Proposal did not receive the same consideration that was given to Ultimate Staffing, another company the Human Resources Director is currently recommending for contract award.

HR Management raises this allegation based on a summary report received as part of the Public Records Request from the presentation process. Mr. Matz indicates that this summary sheet was used for the "best arguments" as to why a specific firm should be awarded a contract. He further states that this summary report lists Ultimate Staffing's "best arguments", however, there is no listing for HR Management at all.

FACT: The summary report that Mr. Matz cites are merely typed notes that were used by one of the evaluation panel members and not by the Evaluation Committee as a whole. All proposals received were given the same consideration.

Because of the large number of agencies that were qualified bidders (19), the presentations were scheduled on two separate days; Thursday, May 28, 2009 and Monday, June 1, 2009. The rater's summary sheet was only for the presentations that were made on Thursday, May 28, 2009, which included Express Employment Professionals, Bolt Staffing Services, Ultimate

Staffing, Manpower, Cambridge Staffing, Ascot Staffing and Spherion Staffing.

This rater brought the typewritten notes from the May 28, 2009 presentations to the June 1, 2009 presentations as a reference to assist in recollecting the prior day's presentations. This summary sheet was given to the Human Resources staff member at the conclusion of the presentations on June 1, 2009. Thus, the absence of references to HR Management on the document offered is a result of the fact the HR Management did not make a presentation on May 28, 2009. None of the vendors who presented on June 1 are referenced in the raters notes.

This document established only that this rater made careful notes of all of the presentations on May 28th. A copy of the summary report and a copy of the presentation schedule are attached as Exhibit 1. (Please note that Nelson Staffing was rescheduled to June 1, 2009 at 12:30 p.m.)

Allegation #3: HR Management did not receive the full amount of points it was entitled to with respect to its ability to provide bilingual candidates; its ratings should be even higher than is currently listed.

HR Management further alleges that it received a rating of 5 out of a possible 7 regarding their ability to provide bilingual candidates because one of the panel members handwritten interview notes clearly states that HR Management could provide the County with "significant numbers" of bilingual candidates. Counsel for HR Management also indicates that Barrett admitted during it's interview that it did not have much in the way of "bilingual process" and yet it received a rating of "5" from at least one member of the evaluation panel.

FACT: The handwritten interview notes from one rater does state that HR Management could provide the County with "significant numbers" of bilingual candidates and rated them with a "5". However, the same rater on his Rating Sheet for Barrett Business Services also indicates that Barrett "Not much bilingual process" and rated Barrett with a "3". See Exhibit 2.

HR Management also fails to note that the rating sheets for the other 3 vendors that have been recommended for approval by this Board; AppleOne, Kelly, and Ultimate, all were rated for their ability to provide bilingual candidates at either a 6 or 7. See Exhibit 3.

When the Evaluation Committee was discussing their recommendations as to which firms would best suit the needs of the County, they focused on the overall presentations and did not necessarily focus specifically on any of the firms ability to provide bilingual candidates. It was only one of the criteria. The other criteria the Committee used was the firm's ability to provide services to all areas of the County, including outlying areas of East and West County, the process by which applicants are recruited, screened and tested, history and success in providing this type of service to other large agencies, and their ability to provide bilingual candidates.

Allegation #4: HR Management is the only Small Business Enterprise (SBE) and Minority Owned Enterprise (MBE) to submit a response to this Request for Proposal, its pricing is competitive with other companies currently being recommended for contracts

Management would (sic) Contra Costa County's Small Business Enterprise and Minority-Owned Business Enterprise Programs.

FACT: This allegation is untrue. The Human Resources Department received bid proposals from:

- 4 – Woman Owned
- 2 – Woman / Minority Owned
- 1 – Woman / Minority / Disadvantaged
- 1 – Minority / Small / Disadvantaged
- 1 – Minority / Small Business
- 1 – Small Business

HR Management also alleges that the Director of Human Resources noted in his July 14, 2009 report to the Board that HR Management was the only SBE/MBE that submitted a response to this Request for Proposal.

FACT: As documented above, this allegation is untrue. The July 14, 2009 report to the Board, cites the information above. Of the 19 firms that were selected to make a presentation, 10 of them met the criteria as either a SBE/MBE/WBE. The July 14, 2009 report from the Human Resources Director is attached as Exhibit 4.

HR Management further alleges that the documentation provided by the Human Resources Director's report suggests that HR Management may have been subjected to both bias and prejudice to its SBE and MBE status. Counsel for HR Management further states that the evaluation sheets produced by the Human Resources Director show that many members of the evaluation panel were heavily biased in favor of "tried and true large" companies, like AppleOne and Kelly, and perhaps biased against an SBE and MBE like HR Management.

FACT: This allegation is untrue. In fact, the County did award a contract to a WBE/MBE/SME during the last Contracted Temporary Help bid process.

Mr. Matz further contends that HR Management's name is conspicuously absent from a summary report listing each company's strengths.

FACT: Again, this summary sheet was from one rater from the presentations that were held on May 28, 2009. The overall Committee did not use this summary sheet as a basis for their recommendation.

Finally, Mr. Matz alleges that because the Human Resources Director has not recommended HR Management to the Board for approval, he in fact is denying any SBE the opportunity to receive a contract over \$50,000 from Contra Costa County.

FACT: This is untrue. Counsel for HR Management states in his July 20, 2009 letter to the Board, the County's 2008 Semi-Annual Report for the Small Business Enterprise and Outreach Programs indicates that \$50.4 million was awarded to SBE's. Mr. Matz's allegation

that this contract was not awarded to HR Management because it is a SME/MBE is unfounded. In fact, the 2008 Semi-Annual Report for the Small Business Enterprise and Outreach Programs clearly demonstrates this Board is absolutely committed to the SBE/Outreach Program. Counsel for HR Management's July 20, 2009 letter is attached as Exhibit 5.

Exhibit 1

TEMPORARY CONTRACT PRESENTATIONS
05/28/09 & 06/01/09

NELSON STAFFING - NO SHOW

EXPRESS EMPLOYMENT PROFESSIONALS - 9:15 a.m.

Two women, one man present

Express is a franchise which covers the East Bay Area

Started 1983, family owned, the owner is a woman who is politically involved in her community.

Comments made during their presentation:

Their application process involves skills evaluation - they get a "feel" for the person along with the skills

They will train their candidate for special work

Owner indicated that their "niche" is "they do it right"...

Stephanie, woman standing at the podium is "detailed oriented"

They have a 4 hour trial period - no charge.

They do background checking if requested

Drug testing is done on site.

They currently use an old fashion timecard but there is a move to go to electronic timecards if important - they are able to accommodate.

Per Nancy Zandonella - "The county as a whole is to go paperless".

BOLT STAFFING SERVICES - 9:45 a.m.

Company is 15 years old – small woman owned business, founded in the basement of home with her husband in another state. Currently lives in Sonoma County with her husband.

They initially started in 1994 – had a gov't agency contract which was the beginning of their business

They do have references

Reasons why they feel they're the best...

Aware of CCC "demographics" & current county revenue

Their testing & strengths of applicants recruiting aspect

Staff are trained thru California Certification

Their Concord satellite office is centrally located

Candidate – appointment, interviewed, skill test for type of work applying for

After tests, they go over their skill tests

She addressed CCC request for “bilingual” candidates

They do a social security verification

They call past employer

Do criminal background checking if requested by client

Answer to Kevin's question re: coverage of the Richmond area...

They test all applicants

They are a certified “Green” business

They work with their candidates to place them close to work

They have the Napa County contract (per Kevin, there are about 3,000 Napa county employees versus 9,000 in CCC)

She said they have the ability to do electronic pay but are not currently set up to do this...

ULTIMATE STAFFING SERVICES - 10:15

They are not “franchise owned”...

They said their “focus” is on Quality Candidate Screening & Services...

Their story began telling of the owner's experience in the temp staff business.

He saw a “GAP” to treat temp employees as full time employees.

Their premise was a focus on being a “Core Values” based company...

Quality is their focus

They have 3 different divisions with 3 different recruiters...

The company is based on “Values”...

They review the job the candidate will be doing

The “functionality & personality” need to “fit”.

They want to find the best qualified person.

This process is customized for the position.

They use "PROVE IT" the system for testing skill levels

Assess the talents, personality, after all that, then the interview...

They are "performance" based assessments not just learned how to do – it's "hands on"...

They use "Video Select"

Hard skills & soft skills

Their premise is

Put the applicant first, (they offer benefits), from the beginning their set-up to succeed...
When candidate succeeds the client succeeds & "Ultimate succeeds"...

Their premise "whatever" works best for you...

Turn-around time

30% mark-up – benefits cost not passed on to the client...

SNELLING EMPLOYMENT - 10:45 a.m.

In business 57 years

They do have electronic timecards or paper, whichever pleases the client

They use E-Verify, PROVE IT

They require 2 references & they do check these

Have benefits for their employees

APPLE ONE - 11:15 a.m.

They are not franchise owned, so service should be the same through out...

2004

Quality "Jobcaster" helps them find customized persons

Dianne reviews our CCC website for positions available & researches what we're looking for in a candidate

They test skills & all levels

References done automatically

Background checks done upon request

They are set up & focused 100% on the applicants

They've been awarded 4 x the "Best Places to Work" award...

Quality – "ISO" certified

They do exit interviews when position ends...

They are designed project that are subject to "stimulus" coming down the line...

KELLY SERVICES - 1:30 p.m.

Preferred pricing

'ISO" Certified

Quality is very important to them...

KIMCO - 2:15 p.m.

Premise is "Core Values" – service delivery

1 - 2 years preferred experience, minimum is 6 months employment

Assessment

Going "Green" initiative – electronics – paycard

MANPOWER - 2:45 p.m.

Premise is "Service Orientated"

'ISO' 9001 Company

4500 branches globally

Basic – current process is old fashioned customer service driven...

Manpowerassessment.com

They can offer "Technical solid"

They try to "get it right the first time"...

The contact person is in the Walnut Creek "hub-office"...

They have branches around CCC to provide candidates for jobs...

Manpower has had an ongoing contract with Sonoma county for 20 years.

Ability to provide bilingual candidates & ensures the candidate is indeed bilingual

On-line timecards

CAMBRIDGE STAFFING - 3:15 p.m.

Small woman owned business

(Two woman dressed in navy blue & white)

Focus is getting the "right fit"...

They have an "old fashion premise"...

John Muir is their largest account

They look for "patterns" not just skills...

They assess personal skills & customize the fit

They use PROVE IT

The issue re: Kevin's question for Richmond:

The owner said the "recruit" in that area, because people within that area feel more comfortable...

They have around 250 candidates in their database

Premise - treat people with kindness & respect, having a few good people...

They currently do not have on-line timecard but they're flexible...

They get a lot of good, positive candidate/client feedback...

ASCOT STAFFING - 3:45 p.m.

Premise - Customer service

Local, woman owned business since 1971

They take the time to "know" their clients...

Other ways they are different are:

The Ascot team "stays" w/ their company

(The woman sharing this information initially came to this company as a temp looking for work.)

They have a "team" effort

Their process involves getting to know their applicants

Referral – quality applicants

Their screening process is 3 hours

They test their skills

Interview process to get to know their candidates

They thoroughly investigate references

Criminal background if necessary

Research client's position

They've been working for Kaiser Permanente for 20 years & have fulfilled large # of positions...

Premise – It is not selling “bodies” – they want “quality”...

They do on-line timecards & automatic deposits

2 offices – one in San Ramon @ Bishop Ranch & one office in Oakland

Richmond question:

They are honest w/ the applicant re: difficult areas to determine if person can handle area/position.

SPHERION STAFFING - 4:15

Used to be called Interim

They are now “global”

Specialize in clerical – administration, accounting industrial...

Distinguished feature is pleased candidates & clients...

Spherion will send cards to clients asking if they're please with the candidate's service...

RPO – Recruitment Process Outsourcing...

Recruiting approach

“Client Resource Center”

They service UC Berkeley which has 131 managers...

They constantly update their database to ensure candidate's availability...

They have over 800 tests...

Hard skills / Soft skills

Language tests also available...

Thursday, May 28, 2009
District Attorney's Office
900 Ward Street
Community Room (Entrance off of Court Street)
Martinez

8:45 Nelson Staffing	1:30 Kelly Services
9:15 Express Employment Professionals	2:15 Kimco Staffing Services
9:45 Bolt Staffing Services	2:45 Manpower
10:15 Ultimate Staffing Services	3:15 Cambridge Staffing
10:45 Snelling Employment	3:45 Ascot Staffing
11:15 AppleOne Employment	4:15 Spherion Staffing

Monday, June 1, 2009
Administration Building
651 Pine Street, Room 108
Martinez

8:30 Cornerstone Staffing

9:00 Barrett Business Services, Inc.

9:30 Dynamic Office and Account Solutions

10:00 Gemini Staffing

10:30 HR Management, Inc.

11:00 Staffmark (Formerly Venturi Staffing)

11:30 TeamPersona

Exhibit 2

HR Mgt. Inc. -

- Uptick in Child Care Counts,

Walnut Creek

Billings - Significant #'s; Her room
from the Hispanic chambers

Screening -

- telephone interview →

- In-person intake

- Alameda County

- Use Prove It

- If any use -

- Payroll source - Alameda County

Contact - Renata Filbin

Stephanie Davis

Electronic Records - ?

- Yes

- Full benefit package

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: HR Mgt. Inc.

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 5
- Process by which applicants are recruited, tested and screened: 5
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 5
- Overall impression. 5
- **Agency's Total Rating:** 27

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

- Commitment to Diversity to underemployed.
- Experience w/ Alameda County

Signature: K. Park Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: Borlet Staffing

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 6
- Process by which applicants are recruited, tested and screened: 5
- History and success in providing this type of service to other agencies: 5
- Ability to provide bilingual candidates. 3
- Overall impression. 4.5
- **Agency's Total Rating:** ~~20~~ 25

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

- Large Central Office
- Not much bilingual process
- Very industrial - Central
- Large Staff Support

Signature: JK Pull Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: Barrett

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 6
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 5
- Ability to provide bilingual candidates. 5
- Overall impression. 6
- **Agency's Total Rating:** 28

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: Mary Kooyman Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: HR Management

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 6
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 5
- Ability to provide bilingual candidates. 5
- Overall impression. 5
- **Agency's Total Rating:** 27

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Reach out to underprivileged - outreach

Signature: Mary Kooyman Date: 6/1/09

Exhibit 3

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Apple One

Well Qualified
7 - 6


Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

- focus on govt. (his govt. divisions)
- knows the county both Depts

Signature:  Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Ultimate Staffing Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 6
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 6
- Ability to provide bilingual candidates. 7
- Overall impression. 6
- **Agency's Total Rating:** 32

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

- Very Customer Services oriented
- Video display
- Online forms

Signature: *[Signature]* Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Apple One Employment

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7.6
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 34.35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

I've had excellent service from Apple
One. They truly focus on quality &
are consistent in their service.

Signature: Sue Ober Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Ultimate Staffing Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

This agency is new but their presentation
was excellent.

Signature: See Chen Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Kelly Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: [Signature] Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Apple One

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: Cindy Stein Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Ultimate Staffing Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- Agency's Total Rating: ~~21~~ 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: Candy Stun Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: Keely Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 6
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 6
- Ability to provide bilingual candidates. 6
- Overall impression. 6
- **Agency's Total Rating:** 30

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: Cindy Stein Date: 6/1/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: AppleOne

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 7
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 7
- Overall impression. 7
- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Tried & true - excellent service
Can review test scores

Signature: Mary Kozyman Date: 5/28/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: Ultimate Staffing Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 5
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 6
- Ability to provide bilingual candidates. 6
- Overall impression. 7
- **Agency's Total Rating:** 30

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Well rounded presentation
Based on values

Signature: Mary Kooyman Date: 5/28/09

**Contracted Temporary Help Presentations
Rating Sheet
May 28, 2009
June 1, 2009**

Agency: Kelly Services

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 6
- Ability to provide bilingual candidates. 6
- Overall impression. 6
- **Agency's Total Rating:** 31

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Don't have many contracts w/kelly - not
much of track record for HSD
like tailoring to CCC needs - flyers etc.
Richmond Office - possibly better coverage

Signature: Mary Kooyman Date: 5/28/09

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: ULTIMATE STAFFING

Well Qualified
7 – 6

Qualified
5 – 4 – 3

Not Qualified
2 – 0

- Ability to provide services to the County, including outlying areas of East and West County: 7

- Process by which applicants are recruited, tested and screened: 7

- History and success in providing this type of service to other agencies: 7

- Ability to provide bilingual candidates. 7

- Overall impression. 7

- **Agency's Total Rating:** 35

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: _____ Date: _____

**Contracted Temporary Help Presentations
Rating Sheet
May 27, 2009
June 1, 2009**

Agency: APPLE ONE EMPLOYMENT SERVICES

Well Qualified
7 - 6

Qualified
5 - 4 - 3

Not Qualified
2 - 0

- Ability to provide services to the County, including outlying areas of East and West County: 7
- Process by which applicants are recruited, tested and screened: 6
- History and success in providing this type of service to other agencies: 7
- Ability to provide bilingual candidates. 6
- Overall impression. 7
- **Agency's Total Rating:** 33

General Comments: Include any areas that this agency may have excelled in or any specific areas of concern.

Signature: _____ Date: _____

Exhibit 4



DATE: July 14, 2009
TO: Board of Supervisors
FROM: Ted J. Cwiek, Director of Human Resources
SUBJECT: Contracted Temporary Help Services

A handwritten signature in blue ink, appearing to be "TC", is written next to the name Ted J. Cwiek.

INTRODUCTION

On June 23, 2009, in agenda item C.104, the Director of Human Resources recommended that the Board authorize the execution of contracts with AppleOne Employment Services, Kelly Services, Barrett Business Services, Inc., and Ultimate Staffing Services to provide contracted temporary help services to the County of Contra Costa for the period of July 1, 2009 to June 30, 2011 in the amount of \$5.5 million.

Immediately prior to and during the deliberation of the Board of Supervisors with respect to this agenda item, issues were raised by an unsuccessful contract bidder, HR Management, objecting to the manner in which the contract was proposed to be awarded to the four successful bidders.

Due to the fact that the County would be without contracted temporary help services in the absence of these contracts, the Board of Supervisors approved the contracts for AppleOne Employment Services and Kelly Services, both successful bidders and hold-over suppliers of temporary help employees from the prior contract term. The Board then directed the Director of Human Resources to prepare a report outlining the compliance of the bid process with established policies and procedures of the County of Contra Costa and delayed approving the contracts of Barrett Business Services, Inc. and Ultimate Staffing Services until such a report could be prepared and reviewed by the Board.

THE CONTRACT

Contra Costa County issued a Request for Proposals (RFP) for contracted temporary help services on or about April 22, 2009. The RFP explained that the County requires the use of several contracted temporary help vendors and planned to select between three and five contractors to provide services to the County's 24 operating departments.

The RFP contained information concerning the job classifications, work hours, rates of pay, and other information including the Scope of Services. The RFP went on to provide information with regard to the Contra Costa County Small Business Enterprise and Outreach Program. The RFP identified as specific business types, the Small Business Enterprise (SBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), and a Local Business

Enterprise (LBE). County policy also provides that business owners may self certify their status by completing a "Self-Certification Form" which was attached as Appendix C to the RFP.

Finally, the RFP indicated a proposal submission date of May 11, 2009.

THE OUTREACH PROGRAM

Over the course of the past year, the Human Resources Department has been building a database of staffing firms in anticipation of issuing the recent Request for Proposal (RFP) to provide temporary staffing services to Contra Costa County. The Department searched the Internet for staffing agencies as well as our local telephone directories and added all staffing firms within our surrounding counties into the database. We also received many telephone calls from interested bidders and those agencies were also added to the database. In late April, a letter was sent to all the staffing firms announcing that the bid process was open and gave instructions on how to submit a bid proposal. This letter was mailed to all the 139 staffing agencies that had been identified. Of the 139 letters that were mailed, 16 were returned from the Post Office as "undeliverable or no forwarding address." Out of the 123 firms that received the letter, we received 22 completed RFP's. Of the 22 proposals received, 10 met the criteria for a small, woman or minority owned business as follows:

- 4 - Woman Owned
- 2 - Woman / Minority Owned
- 1 - Woman / Minority / Disadvantaged
- 1 - Minority / Small / Disadvantaged
- 1 - Minority / Small Business
- 1 - Small Business

This represents a 45% participating rate for small, woman or minority owned businesses.

THE SELECTION PROCESS

After the Request for Proposals were received, a cursory review of the responses occurred and three agencies with mark-ups ranging between 50% - 85% were eliminated from further consideration based upon a negative fiscal impact to the County. The other 19 agencies with mark-ups ranging from 24% - 38% were invited to make a brief 15-20 minute presentation to an Evaluation Committee. The presentations occurred on Thursday, May 28, 2009 from 8:45 a.m. - 4:30 p.m. and Monday June 1, 2009 from 8:30 a.m. - 1:00 p.m.

The correspondence which invited the qualified bidders, including HR Management, to make a presentation stated:

The Evaluation Committee will mainly focus on your firm's ability to provide services to all areas of the County, including outlying areas of East and West County, the process by which applicants are recruited, screened and tested, history and success in providing this type of service to other large agencies, and your ability to provide bilingual candidates.

The Evaluation Committee was comprised of members from the Employment and Human Services Department, the Health Services Department, the District Attorney's Office, the Department of Conservation and Development and the Clerk-Recorder's Office. These departments were asked to participate on the Evaluation Committee because they represent the largest users of contracted temporary help within the County and would have the most direct contact with the agencies selected. The Human Resources Department contacted the Administrative Services Officer and/or Personnel Officer of these departments and requested a volunteer to sit on the committee. The departments' recommendation to the Human Resources Department was a Personnel Services Assistant III from Employment and Human Services Department, an Executive Secretary from the Health Services Department, a District Attorney-Manager of Law Offices from the District Attorney's Office, a Clerk-Specialist Level from the Department of Conservation and Development, and an Election Processing Supervisor from the Clerk-Recorder's Office.

Criteria used to evaluate the agencies focused mainly on the firm's ability to provide services to all areas of the County, including outlying areas of East and West County, the process by which applicants are recruited, screened and tested, history and success in providing this type of service to other large agencies, ability to provide bilingual services, and the overall fiscal impact to the County.

The evaluators were given a copy of every bid proposal and a rating tool that outlined the above criteria with points assigned from not qualified (0-2), qualified (3-5) and well qualified (6-7). This tool was used primarily to assist the evaluators to take notes during the agencies presentations and was used to refer back to at the conclusion of the interview process which spanned over a two-day period. At the conclusion of the final presentation, the committee met for over an hour reviewing their notes and discussing the pro's and con's of all the agencies. Their recommendation was to select AppleOne Employment Services, Kelly Services, Barrett Business Services, Inc., and Ultimate Staffing Services.

The cost aspect of the bids submitted by the vendors is stated in terms of a "mark-up." "Mark-up" is a percentage figure that represents a percentage cost, in addition to wages paid to the temporary employees, that is charged by the vendor supplying the services.

The mark-up for the selected agencies is as follows:

AppleOne Employment	-	26.9%
Kelly Services	-	29.3%
Barrett Business Services, Inc.	-	24.0%
Ultimate Staffing Services	-	30.0%

(Note – The mark-up submitted by HR Management was 30.8%)

An additional question that was asked of all vendors which was important to the Evaluation Committee was the agency's ability to provide on-line timekeeping and reporting. "Going Green" and moving toward a paperless world to mitigate our carbon footprint is a goal of the County and of the Human Resources Department. Three of the selected agencies already have this process in place and the fourth agency is working on implementation.

THE SMALL BUSINESS ENTERPRISE PROGRAM

In addition to the Outreach Program set forth above, Contra Costa County also maintains a Small Business Enterprise Program which has the objective of awarding 50% or more of specific contracts to Small Business Enterprises (SBE). This program covers commodities/purchasing transactions and professional/personal service contracts of \$50,000 or less, and construction contracts of \$25,000 or less. As noted above in the description of the contract, the total value of the RFP for contracted temporary help services is \$5.5 million. The recommendation contained in the board order placed before the Board of Supervisors proposed to award AppleOne Employment Services \$2 million, Kelly Services \$1.5 million, Barrett Business Services, Inc. \$1 million, and Ultimate Staffing Services \$1 million. As a result of the extremely large size of this contract, the SBE program criteria are significantly exceeded and that program does not apply to this contract.

THE LOCAL BID PREFERENCE PROCEDURE

Similar to the SBE program set forth above, Contra Costa County also maintains a specific procedure to benefit local vendors. However, this program is limited to contracts for "supplies, materials, and equipment" and does not apply to contracts for services such as the contract at issue.

CONCLUSION

Upon review of this report, the Director of Human Resources would respectfully request that the Board of Supervisors consider the remaining recommendations of awarding contracts to Barrett Business Services, Inc. and Ultimate Staffing Services pursuant to the agenda item on the July 21, 2009 Agenda.

TJC:dn

Exhibit 5

LAW OFFICE OF
ROBERT C. MATZ
A LIMITED LIABILITY LAW PARTNERSHIP
1516 OAK STREET, SUITE 315
ALAMEDA, CALIFORNIA 94501

ROBERT C. MATZ
PRINCIPAL

TELEPHONE: (510) 865-1150
RCMATZ@RCMATZLAW.COM

July 20, 2009

Transmitted Via E-mail to Supervisors Gioia, Uilkema, Piepho, Bonilla, and Glover and to David Twa (County Administrator) and Jane Pennington (Chief Clerk)

John Gioia – County Supervisor, District I
Gayle B. Uilkema – County Supervisor, District II
Mary N. Piepho – County Supervisor, District III
Susan A. Bonilla – Chair and County Supervisor, District IV
Federal D. Glover – County Supervisor, District V

Re: The Board's July 21, 2009 Meeting Regarding The Award of Temporary Services Contracts (Agenda Item C. 107) to Apple One Employment Services ("AppleOne"), Kelly Services ("Kelly"), Barrett Business Services, Inc. ("Barrett"), and Ultimate Staffing, the Human Resource Director's July 14, 2009 Report, and HR Management Inc.'s ("HR Management") Bid Protest, Request for Stay, and Request for Award of Contract

Dear Contra Costa County Board of Supervisors:

I write on behalf of my client, HR Management to provide the Board with information and documentation relevant to a decision that it may make at its Tuesday, July 21, 2009 meeting with respect to contract awards for firms providing temporary employment services to County agencies, departments, or offices.

As you might recall, the Board deferred making a decision regarding the award of these contracts to provide staff with an opportunity to review their procedures in relation to the Request for Proposal as well as the issues raised in HR Management's Bid Protest and Request for Stay.

For the reasons set forth below, HR Management respectfully requests that the Board approve and authorize the Director of Human Resources, or his designee, to execute contracts with, *inter alia*, HR Management in an amount not to exceed \$1,375,000 to provide temporary employment services to County agencies, departments, or offices for the period of July 21, 2009 through June 30, 2011. This would reflect an equal award of this \$5.5 million dollar procurement amongst four companies.

The basis for HR Management's request is that the documentation provided to it by the Human Resources Director establishes that (1) HR Management received a higher overall rating from the evaluation panel than Barrett, a company the Human Resources Director is currently recommending for a contract award, (2) HR Management's proposal did not receive the same consideration that was given to Ultimate Staffing, another company the Human Resources Director is currently recommending for contract award, (3) HR Management did not receive the full amount of points it was entitled to by the evaluation panel with respect to its ability to provide bilingual candidates, which would have raised its score even higher than is currently listed, and (4) HR Management is the only Small Business Enterprise (SBE) and Minority-owned Enterprise (MBE) who submitted a response to this Request for Proposal, its

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pricing is competitive with the other companies currently being recommended for contracts (none of whom are SBEs or MBEs), and therefore awarding a contract to HR Management would be consistent with Contra Costa County's Small Business Enterprise and Minority-owned Business Enterprise Programs.

As a threshold matter, HR Management objects to the Human Resource Director's July 14, 2009 Report and Recommendation to the Board on the grounds that it improperly limits the scope of the Board's authority with respect to these contract awards.

At the June 23, 2009 meeting of the Board, it was agreed that the *current* contracts for AppleOne and Kelly would be *extended* until July 21, 2009 to provide staff with an opportunity to review their procedures in relation to the Request for Proposal in light of the issues raised in HR Management's Bid Protest and Request for Stay. The Board did not authorize the Human Resource Director to execute new contracts with AppleOne or Kelly for the period of July 1, 2009 to June 30, 2011 (the new contract period); rather, it simply agreed to *extend* the term of AppleOne and Kelly's *existing* contracts to ensure the County's continued ability to utilize the services of these companies while the staff reviewed its procedures and prepared its report and while HR Management's Bid Protest and Request for Stay was still pending.

The Human Resource Director's July 14, 2009 Report and Recommendation, however, only asks for the Board's approval to execute contracts with Barrett and Ultimate Staffing; apparently under the theory that the Board has already authorized him to execute *new contracts* with AppleOne and Kelly for \$2 million dollars and \$1.5 million dollars, respectively. This is simply not the case – the video recording of the Public Comment and Board discussion related to these contract awards (6/23/09 from 1:27:43 through 1:44:04) clearly demonstrates that all AppleOne and Kelly received at the June 23, 2009 meeting was an *extension* of their existing contracts, not an award of new contracts under this particular Request for Proposal.

For this reason, the Human Resource Director's current recommendation that the Board authorize \$1 million dollar contracts to both Barrett and Ultimate Staffing is both inadequate and incomplete – it fails to account for an additional \$3.5 million dollars that the Board is authorized to award to companies – including HR Management – in response to this Request for Proposals.

HR Management respectfully submits that this Board is authorized to direct the Human Resources Director to execute contracts in the amount of \$5.5 million dollars (less any monies that were spent during the pendency of HR Management's Bid Protest), not simply \$2.0 million dollars, as set forth in the Human Resource Director's current recommendation. And HR Management respectfully submits that it should be one of the companies to receive a contract under this Request for Proposal. The remaining paragraphs explain why this is so.

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1. HR Management Received Higher Ratings Than Barrett, A Company Currently Being Recommended for a Contract Award By the Human Resources Director; It Should Have Been Awarded A Contract

The documentation provided to HR Management by the Human Resources Director in response to its Public Records Act request establishes that HR Management received a higher overall rating from the evaluation panel than Barrett, a company the Human Resources Director is currently recommending for a contract award. HR Management should have been awarded a contract.

Following the Board's June 23, 2009 meeting, the Human Resources Director provided documents in response to HR Management's Public Records Act request. After the documents were compiled, the Human Resources Director indicated to both Mr. Hunt and Mr. Matz that these were "all the documents I have on this." Although the evaluation panel was comprised of five members, and while the Human Resources Director produced five evaluation sheets for AppleOne, Kelly, and Ultimate Staffing, *only two evaluation sheets (each) were provided for HR Management and Barrett.* Thus, the entire documentary record of the evaluation of these two companies – who are competing for contracts in excess of \$1 million dollars – is limited to two evaluation sheets. What do these evaluation sheets show?

The evaluation sheets produced by the Human Resources Director show that *HR Management received a higher overall rating than Barrett!* Attached hereto as **Exhibit 1** are true and correct copies of the two evaluation sheets related to HR Management's proposal, indicating that it received an overall score of 54 points. Attached hereto as **Exhibit 2** are true and correct copies of Barrett's evaluation sheets, showing its overall score was a 53. Since HR Management received higher ratings than Barrett, and since pricing is not an outcome determinative factor in professional services contracts, the Human Resources Director should have recommended HR Management for a contract. But he didn't. This alone would justify HR Management's request that the Board direct the Human Resources Director to execute a contract with HR Management. But there are still more reasons why this contract should be awarded to HR Management.

2. HR Management's Proposal Did Not Receive the Same Consideration that was Given to Ultimate Staffing, Another company the Human Resources Director is Currently Recommending for Contract Award

The documentation produced by the Human Resources Director also shows that HR Management's proposal did not receive the same consideration that was given to Ultimate Staffing, another company the Human Resources Director is currently recommending for a contract award. In response to HR Management's Public Records Act request, the Human Resources Director produced a summary report of the temporary contract presentations that were given in response to this Request for Proposal. A true and correct copy of this summary report is attached hereto as **Exhibit 3**. This report sets forth, in summary fashion, each company's "best arguments" as to why it should be awarded a contract. Although Ultimate Staffing's best arguments were set forth in this report, and thus considered by the County, there is no listing for HR Management at all – in other words, it appears that HR Management's "best arguments" were not considered by the County at all in this process. HR Management deserves equal treatment in this process, and the documents produced by the Human Resources Director

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Page 4

demonstrate that it did not receive equal treatment. HR Management respectfully requests that the Board right this wrong by awarding HR Management a contract.

3. HR Management Did Not Receive the Full Amount of Points it Was Entitled To With Respect To Its Ability to Provide Bilingual Candidates; Its Ratings Should Be Even Higher Than Is Currently Listed

The documentation produced by the Human Resources Director also shows that HR Management did not receive all the points it was entitled to by the evaluation panel for its ability to place bilingual candidates, one of the six criteria set forth in the Request for Proposals. I personally attended the interview conducted by the evaluation panel of HR Management, Inc. on June 1, 2009. During this interview, HR Management, Inc. provided the evaluation panel with a wealth of information as to its ability to provide bilingual candidates to the County, including the language skills possessed by its employees, and the significant number of candidates possessing these linguistic abilities. Interview notes from one of the evaluation panelists confirm HR Management's ability to provide Contra Costa County with "significant numbers" of bilingual candidates. See **Exhibit 10**, Interview Notes. However, despite HR Management's demonstrated ability to provide bilingual candidates in significant numbers, it only received a rating of "5" out of a possible 7. See **Exhibit 1**, Evaluation Sheets for HR Management.

The problem is that Barrett, one of the companies being recommended for a contract award by the Human Resources Director, admitted during its interview that it did not have much in the way of "bilingual process" (see **Exhibit 2**, page 2), and yet it received a rating of "5" from at least one member of the evaluation panel for its ability to provide bilingual candidates to the County (see **Exhibit 2**, page 1) – the same rating as HR Management! HR Management respectfully submits that the documentation provided by the Human Resources Director demonstrates that it did not receive the full amount of points it was entitled to by the evaluation panel with respect to its ability to provide bilingual candidates, which would have raised its ratings even higher than is currently listed. It also suggests the existence of bias against HR Management, as set forth below.

4. HR Management is the Only Small Business Enterprise (SBE) and Minority-owned Enterprise (MBE) To Submit a Response to this Request for Proposal, Its Pricing is Competitive With the Other Companies Currently Being Recommended for Contracts (none of whom are SBEs or MBEs), and Therefore Awarding a Contract to HR Management Would Contra Costa County's Small Business Enterprise and Minority-owned Business Enterprise Programs

Although HR Management should have been awarded a contract on the basis of its ratings alone, it is equally important to remember that HR Management is the only SBE and MBE to submit a response to this Request for Proposal. See Human Resource Director's July 14, 2009 Report, Page Two, so noting; see also **Exhibit 4** (HR Management's SBE Certification) and **Exhibit 5** (HR Management's MBE Certification). One of the objectives of Contra Costa County's SBE Program is to level the playing field between large, national firms – like all of the companies currently being recommended for contracts by the Human Resources Director (AppleOne, Kelly, Barrett, and Ultimate Staffing) – and small companies, like HR Management. The Human Resource Director's report admits that HR Management did not receive any special consideration for being an SBE because that program only applies, in the context of

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professional/personal services contracts, to contracts of \$50,000 or less. See Human Resource Director's July 14, 2009 Report, Page Four. In the Human Resource Director's view:

As a result of the extremely large size of this contract, the SBE program criteria are significantly exceeded and that program does not apply to this contract.

HR Management respectfully submits that this Board can and should consider its SBE and MBE status in determining which companies to award contracts to under this Request for Proposal.

First, although the Board might not be *required* to consider HR Management's SBE and MBE status, this does not mean the Board cannot consider this at all. In fact, in Emma Cuevor's recent report on the SBE and MBE programs, she notes that as a result of the SBE Outreach Program:

"There were 932 contracts for a total of \$50.4 million."

See **Exhibit 6**, County of Contra Costa's 2008 Semi-Annual Report for Small Business Enterprise & Outreach Programs, Page Two. If, as the Human Resources Director suggests, the Small Business Enterprise Program simply doesn't apply to contracts over \$50,000, then the 932 contract awards noted by the County in its 2008 report could not possibly exceed \$46.6 million dollars – the product of multiplying 932 contracts by \$50,000 contract awards (assuming every single contract was awarded at the maximum level, which is a generous assumption). But the total dollar amount noted by the County in its 2008 Semi Annual Report is \$50.4 million – far exceeds this \$46.6 million dollar figure. Thus, contrary to the Human Resource Director's assertion, this Board *can* consider a company's SBE status in making contract awards over \$50,000; the County's 2008 Annual Report indisputably confirms that this is already being done by the County.

Second, the documentation produced by the Human Resources Director suggests that HR Management may have been subjected to both bias and prejudice due to its SBE and MBE status. The evaluation sheets produced by the Human Resources Director show that many members of the evaluation panel were heavily biased in favor of "tried and true" large companies, like AppleOne and Kelly, and perhaps biased against an SBE and MBE like HR Management. See **Exhibit 7**, Evaluation Sheets for AppleOne and Kelly (noting they are "tried & true" and that "I've had excellent service from AppleOne."). In many instances, the evaluation panel simply gave large companies like AppleOne and Kelly "7"s across the board (well qualified) with no explanation or written comments whatsoever. See **Exhibit 8**, Evaluation Sheets for AppleOne and Kelly. And even when these large companies only demonstrated "good bilingual efforts," they received ratings of "7" anyway. See **Exhibit 9**, Evaluation Sheet for Kelly Services. HR Management, on the other hand, despite its recognized ability to provide bilingual candidates "in significant numbers" (see **Exhibit 10**, Interview Notes for HR Management), only received a rating of "5" for its ability to provide bilingual candidates. See **Exhibit 1**, HR Management Evaluation Sheets. Why? This is precisely the type of behavior at issue in L. Tarango Trucking v. County of Contra Costa, 202 F.R.D. 614 (N.D. Cal. 2001) – institutional bias in favor of large, national companies who are repeat players with the County. Moreover, while the Human Resources Director possessed and produced complete documentation and evaluation sheets for AppleOne, Kelly, Ultimate Staffing, and many of the other companies submitting proposals to the County, HR Management's evaluation sheets have mysteriously disappeared, and its name is conspicuously absent from a summary

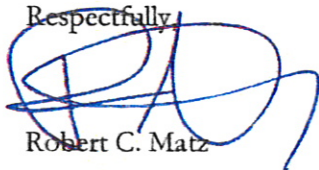
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report listing each company's strengths. Again, why? In fact, to date, and even after being given more than a month to prepare his report, the Human Resources Director has still not provided an explanation as to why he excluded HR Management in the face of higher overall ratings than Barrett. Given all of this, it is easy to see why HR Management believes that its SBE status – and, more perniciously, its MBE status – may have been a significant reason why it is being denied an opportunity to contract with Contra Costa County despite receiving higher overall ratings than Barrett (and possibly even higher ratings than other companies; we will never know because that documentation has mysteriously vanished).

Finally, HR Management respectfully submits that denying it the opportunity to contract with Contra Costa County on the grounds that this contract award would be “too big” for an SBE or an MBE sends the wrong signal to similarly-situated SBEs, MBEs, WBEs, and DVBEs. It is a hollow practice indeed to invite SBEs, MBEs, WBEs, and DVBEs to bid on any contract over \$2,500 (see 2008 Annual Report, Exhibit 6, Page Two), and then categorically deny them from any contractual opportunity that would exceed \$50,000. And this is precisely what the Human Resources Director is asking this Board to do – to put its imprimatur on a policy that would categorically deny *any* SBE the opportunity to receive a contract over \$50,000 from Contra Costa County. This would be a disastrous decision for the County, for SBEs, MBEs, WBEs, and DVBEs, and for the citizens of Contra Costa County.

If the Board approves and authorizes a contract for HR Management, as reasonably requested in light of the substantial and documented infirmities in this process, it would fully resolve the issues set forth in HR Management's Bid Protest and Request for Stay, and there would be no need for HR Management to submit any further public comment on any of the issues raised in its Bid Protest and Request for Stay or being submitted for the Board's review in this letter. If the Board is not so inclined, then HR Management respectfully requests that it be given at least 15 minutes at the July 21, 2009 meeting to submit its public comment in connection with these contract awards.

Respectfully,

A handwritten signature in blue ink, appearing to be 'R. Matz', written over the word 'Respectfully,'.

Robert C. Matz

cc: David Twa, Administrator, Contra Costa County
Jane Pennington, Chief Clerk, Contra Costa County Board of Supervisors

Attachment C

Response to Concerns Addressed by TeamPersona

TeamPersona claims disappointment with Contra Costa County for not selecting minority or small businesses. However, TeamPersona was given an opportunity from July 2005 – June 2009 to provide services to the County. Unfortunately, due to performance issues, the Evaluation Committee is not recommending this firm to further service Contra Costa County's needs.

One of the main reasons the County has not chosen to contract further with TeamPersona stems from a lack of communication between the firm, the County, and the operating departments. When we first contracted with TeamPersona in 2005, we had an excellent Account Manager and within the first few months, TeamPersona was building a solid base of associates which were placed in the County. This was excellent, particularly for a brand new agency which was unknown to the County. During 2005 through mid year 2008, TeamPersona had an average of 25 associates placed at any given time with the County. In June of 2008, we received an e-mail introducing a new account manager. From that point forward, communication began to deteriorate. TeamPersona's solid base of associates slowly started to decline. For contract periods ranging in 90 day increments, TeamPersona went from a solid base of 26 associates, to 12, to 16, 12, 5, and by the end of the contract in June 2009, TeamPersona only had 7 active associates working in the County.

An example of the lack of communication is attached as Exhibit 1. The Human Resources Department received a request from the Health Services Department on March 30, 2009 to fill a need for a Data Entry Operator. The Human Resources Department faxed the request to TeamPersona on April 6, 2009. Having heard nothing back from TeamPersona, the request was again faxed on May 20, 2009. After the May 20th fax was received, TeamPersona did contact us and informed us that they had actually filled this contract and the associate had started on April 23, 2009. However, the Human Resources Department was not informed of this until we contacted TeamPersona. This also shows that it took 2 ½ weeks from the time TeamPersona was notified of the contract for the placement to occur. A 2 ½ week turnaround time is unacceptable.

Also, sometime during the period of June 25, 2008 to August 15, 2008, TeamPersona moved from their San Francisco headquarters to their satellite office in Walnut Creek and did not advise us of their move. We continued to use their San Francisco mailing address and were not notified until August 15th that the move had occurred.

Exhibit 1

Message Confirmation Report

APR-06-2009 04:01 PM MON

Fax Number : 9253351799
 Name : HUMAN RESOURCES

Name/Number : 99329501
 Page : 1
 Start Time : APR-06-2009 04:01PM MON
 Elapsed Time : 00' 20"
 Mode : STD ECM
 Results : [O.K]

H.R Dept. Only 8612	CONTRA COSTA COUNTY		NEW REQUEST <input checked="" type="checkbox"/>			
Date Received: 3/30/09	CONTRACTED TEMPORARY HELP REQUEST		Date: 03/26/09			
DEPARTMENT: Health Services						
WORK ADDRESS: 2500 Alhambra Ave						
DIVISION: Pharmacy						
SUPERVISOR: Shideh Attai						
PHONE: 370-5601		EMAIL:				
ORG. NO. 6345	SUB OBJECT 2866	TASK	OPT	ACTIVITY		
NAME OF AGENCY: Team Persona (If Known)						
TEMPORARY HELP CLASS REQUESTED: <i>data entry operator</i>						
PREV. CONTRACT # (IF APPLICABLE):						
NAME OF ASSOCIATE (IF KNOWN): NEW						
DAYS: m-f	HOURS: 8am-5pm	BEGIN DATE:	END DATE:			
DUTIES TO BE PERFORMED (PLEASE NOTE ANY SPECIFIC SOFTWARE PROGRAM/EQUIPMENT SKILLS NECESSARY):						
Medication rewrite process						
All NEW agency personnel coming to work for the Health Services Department would need to be fingerprinted and cleared BEFORE they could begin working in our Department.						
JUSTIFICATION OF NEED FOR HELP: Pharmacy has lost a resource in the medication rewrite area and this departure is affecting patient care as lack of medication renewal optimally may cause harm to patients necessitating inappropriate hosp admit.						
DEPARTMENT BILLING ADDRESS FOR THIS REQUEST: Patricia Keane, Health Services Accounting, 50 Douglas Dr., Suite #310C, Martinez, CA 94553						
SIGNATURE/NAME OF DEPARTMENT HEAD/REPRESENTATIVE						
		<i>Jada Vawter</i> Signature				
DATE: 03/26/09						
=====						
HUMAN RESOURCES DEPARTMENT ACTION:						
Request Received By: <i>C. Jamanna</i>		Date: <i>4/6/09</i>				
Order Placed & Accepted <input checked="" type="checkbox"/> <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail						
Name of Associate Assigned:						
Vendor Name: <i>Team Persona</i>		Vendor #: <i>02939</i>				
Hourly Pay Rate:		Hourly Bill Rate:				
Total Hours: (Straight Time)		Overtime Hours _____ X 1.4 = _____				
Contract Amount:		<table border="1"> <tr> <td>MAXIMUM Approved End Date 90 Calendar Day Statutory Limit)</td> </tr> <tr> <td><i>1 / 109</i></td> </tr> </table>			MAXIMUM Approved End Date 90 Calendar Day Statutory Limit)	<i>1 / 109</i>
MAXIMUM Approved End Date 90 Calendar Day Statutory Limit)						
<i>1 / 109</i>						
Contract Order Approval Number <i>C 36402-90</i>						

03-APR-2009 04:01 PM MON

Message Confirmation Report

MAY-20-2009 09:42 AM WED

Fax Number : 9253351799
 Name : HUMAN RESOURCES

Name/Number : 99516222
 Page : 2
 Start Time : MAY-20-2009 09:41AM WED
 Elapsed Time : 00'52"
 Mode : STD G3
 Results : [O.K]

Connie Baltrip
4/28/09 - 6/30/09

H.R Dept. Only <i>8612</i>	CONTRA COSTA COUNTY			NEW REQUEST <input checked="" type="checkbox"/>
Date Received: <i>3/30/09</i>	CONTRACTED TEMPORARY HELP REQUEST			Date: 03/26/09
DEPARTMENT: Health Services				
WORK ADDRESS: 2500 Alhambra Ave				
DIVISION: Pharmacy				
SUPERVISOR: Shideh Attai				
PHONE: 370-5601		EMAIL:		
ORG. NO. 6345	SUB OBJECT 2866	TASK	OPT	ACTIVITY
NAME OF AGENCY: Team Persona (If Known)				
TEMPORARY HELP CLASS REQUESTED: <i>data entry operator</i>				
PREV. CONTRACT # (IF APPLICABLE):				
NAME OF ASSOCIATE (IF KNOWN): NEW				
DAYS: m-f	HOURS: 8am-5pm	BEGIN DATE:	END DATE:	
DUTIES TO BE PERFORMED (PLEASE NOTE ANY SPECIFIC SOFTWARE PROGRAM/EQUIPMENT SKILLS NECESSARY): Medication rewrite process				
All NEW agency personnel coming to work for the Health Services Department would need to be fingerprinted and cleared BEFORE they could begin working in our Department.				
JUSTIFICATION OF NEED FOR HELP: Pharmacy has lost a resource in the medication rewrite area and this departure is affecting patient care as lack of medication renewal optimally may cause harm to patients necessitating inappropriate hosp admit.				
DEPARTMENT BILLING ADDRESS FOR THIS REQUEST: Patricia Keane, Health Services Accounting, 50 Douglas Dr., Suite #310C, Martinez, CA 94553				
SIGNATURE/NAME OF DEPARTMENT HEAD/REPRESENTATIVE				
<i>Paul Vane</i> Signature				
DATE: 03/26/09				
=====				
HUMAN RESOURCES DEPARTMENT ACTION:				
Request Received By: <i>C. Jamanna</i>			Date: <i>4/6/09</i>	
Order Placed & Accepted <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Mail <input checked="" type="checkbox"/>				
Name of Associate Assigned:				
Vendor Name: <i>Team Persona</i>		Vendor #: <i>02939</i>		
Hourly Pay Rate: _____ Hourly Bill Rate: _____				
Total Hours: _____ Overtime Hours _____ X 1.4 = _____				
Contract Amount: _____				
			MAXIMUM Approved End Date 90 Calendar Day Statutory Limit <i>1 / 09</i>	
			Contract Order Approval Number <i>36402-90</i>	