



**AGENDA REPORT**

**PROPOSED ACTION: Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Execute a First Supplemental Agreement with Monjaras & Wismeyer Group Incorporated dba Return to Work Partners to Provide As-Needed Return to Work Services and Interactive Process Consulting; Extend the Contract Term through December 31, 2026; Increase Maximum Compensation to a Total Amount Not to Exceed \$400,000; and, Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Finance & Admin)**

**Submitted By:** Julie Lam, Chief Financial Officer; Kristi McKenney, Executive Director

**Parties Involved:** Monjaras & Wismeyer Group Incorporated dba Return to Work Partners, Signal Hills, CA

**Amount** \$400,000 (operating expense)

**EXECUTIVE SUMMARY:** The Port of Oakland (Port) utilizes the services of a specialized consultant to facilitate and document interactive meetings with Port Staff requesting reasonable accommodations for temporary or permanent disabilities. The Port currently contracts with Monjaras & Wismeyer, dba Return to Work Partners (Return to Work Partners), for these services. The current contract with Return to Work Partners expires on June 30, 2025. Port Staff request authorization to waive formal competitive procurement procedures and extend the current contract for an additional 18 months through December 31, 2026, to continue utilizing these services on an as needed basis.

**BACKGROUND & ANALYSIS**

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) require that employers provide reasonable accommodations for employees who are limited in or unable to perform one or more of the essential functions of their job because of a temporary or permanent disability. The Port currently contracts with Return to Work Partners, a consultant specialized in ADA and FEHA compliance, to facilitate and document good faith interactive meetings with Port Staff on a timely basis and within compliance of the various laws.

At times, Port Staff may choose to utilize specialized consultants to assist with the process of facilitating and documenting timely and compliant interactive process meetings when the timing, nature, sensitivity, or complexity of the situation warrants the industry expertise. This type of service requires demonstrated respect for the employee's unique and sensitive situation, compassion without wavering from the ADA/FEHA requirements, and experience to avoid exposing the Port to additional unnecessary liabilities, all the while understanding Port specific policies and employee benefits.

While it is common for public agencies to use third-party consultants to facilitate the interactive process, there are very few experienced service providers that offer this type of specialized service in California. Port Staff had prior experience working with Return to Work Partners on a specific project, and through that experience began to utilize Return to Work Partners on an as-needed basis for additional services in 2024 through the Executive Director's authority to waive competition and enter into contracts up to \$150,000. Return to Work Partners' current contract expires June 30, 2025, and Port Staff would like to continue to use Return to Work Partners due to their familiarity with the Port's procedures and employee benefits, their experience, their expertise, and their knowledge of the Port's applicable ADA/FEHA policies.

Port Staff requests the Board waive formal competitive procurement procedures, as it is in the best interests of the Port to utilize Return to Work Partners to maintain consistency and ensure ADA/FEHA compliance.

## **OTHER FINDINGS AND PROVISIONS**

### **ENVIRONMENTAL REVIEW**

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- ☐ Categorically exempt under the following CEQA Guidelines Section:

Choose an item.

- ☒ "Common Sense" exemption under CEQA Guidelines Section 15061(b)(3).

- ☐ Other/Notes:

### **BUDGET**

- ☐ Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR

☒ Operating

☐ Non-Operating

☐ Capital

Analysis: The ongoing support of as needed return to work services and interactive process consulting is included in the Human Resources operating expense budget.

### **STAFFING**

- ☒ No Anticipated Staffing Impact.

- ☐ Anticipated Change to Budgeted Headcount.

Reason:

- ☐ Other Anticipated Staffing Impact (e.g., Temp Help).

Reason:

### **MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):**

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port's Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

- ☐ Additional Notes:

### **LIVING WAGE** (City Charter § 728):

Applies?

No (Not Covered Entity) – proposed action involves entity not covered by Living Wage requirements because it is not a covered service provider or tenant, does not employ at least 21 employees, or receive from or pay to Port at least \$50,000.

- ☐ Additional Notes:

### **SUSTAINABLE OPPORTUNITIES:**

Applies? **No.**

Reason:

### **GENERAL PLAN** (City Charter § 727):

Conformity Determination:

	Not Required – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.
<p><b><u>STRATEGIC PLAN.</u></b> The proposed action would help the Port achieve the following goal(s) in the Port's Strategic Plan:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Capture Our Market and Grow the Economic Base</li> <li><input type="checkbox"/> Modernize and Upgrade Infrastructure</li> <li><input type="checkbox"/> Transition to Zero-Emissions and Build Climate Resilience</li> <li><input type="checkbox"/> Maximize Land Use Value and Revenues</li> <li><input checked="" type="checkbox"/> Workforce Training and Jobs Development</li> <li><input type="checkbox"/> Create Opportunities for Local Businesses and Community Economic Development</li> </ul>	