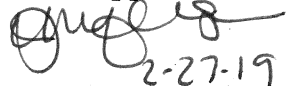


CITY COUNCIL ACTION REQUEST

Department(s): Finance	CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment	Coordination: City Attorney's Office, and City Manager's Budget Office	Dept. Approval: /s/ Julia H. Cooper
Council District(s): Citywide			CMO Approval:  2-27-19

SUBJECT: ACTIONS RELATED TO PURCHASE ORDER 54811 WITH TWYSOFT LLC FOR FAIR LABOR STANDARDS ACT COMPLIANCE TECHNICAL SERVICES

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Order 54811 with Twysoft LLC (Morgantown, WV) to increase the amount of total compensation by \$120,000 for a revised maximum compensation not to exceed \$370,000 and to extend the term of the purchase order through December 31, 2019 for technical and professional services as required to ensure ongoing Fair Labor Standards Act compliance; and
- (b) Negotiate and execute amendments as required to ensure continuous Fair Labor Standards Act compliance for a not-to-exceed contingency amount of \$65,000.

Desired Outcome: Ongoing compliance with applicable Fair Labor Standards Act (FLSA) requirements.

BASIS FOR RECOMMENDATION:

The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting fulltime and part-time workers in the private sector and in federal, state, and local governments. Twysoft LLC participated on the project implementation team for the Human Resources, Payroll, Timekeeping, and Budget Systems implementation that was launched in September 2016 and was responsible for creating the FLSA process program for City's upgraded Payroll System.

The City is currently developing an RFP for ongoing PeopleSoft professional and technical services, which will include the work the City may require on an as-needed basis to maintain FLSA compliance. Approval of this recommendation will ensure that current and ongoing FLSA requirements can be met while staff completes the RFP and contracting process. Twysoft has direct and unique experience and knowledge of the City's system and requirements, and its interim services qualify as a unique service under Municipal Code Section 4.12.235.

Commission Recommendation/Input: There is no commission recommendation or input associated with this action.

This Council item is consistent with the City's 2018-2019 Adopted Budget City Areas Delivery Framework: "Ensure that the City's financial resources are protected and available to address the short-term and long-term needs of the community; accurate and timely payments to City employees and vendors; accurate and timely financial reports; and efficient business systems and processes for timely billing and collection efforts."

COST AND FUNDING SOURCE:

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Recommendation*	2018-2019 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No)
001	202J	Fair Labor Standards Act System Configuration	\$185,000	\$120,000	IX-31	6/19/2018, 30124

*Contingency is appropriated but will not be programmed unless required.

FOR QUESTIONS CONTACT: Jennifer Cheng, Deputy Director of Finance, at (408) 535-7059