

MANAGED COMPETITION ISSUES MATRIX

Follow up to Budget & Finance Committee Discussion on September 12, 2007

Topic	Question	Where Addressed?	
		B=Ballot, IO=Implementation Ordinance, G=Guide	Response
General Porcess Questions	<i>What is the step-by-step process leading up to competitive procurement? How will functions be selected? Will a phased approach be considered?</i>		
	<i>What services are considered to be inherently governmental?</i>		
	<i>What is the Council's role in that process?</i>		
	<i>Has the Managed Competition Program Manager position been filled?</i>		
	<i>How does the pre-competition assessment work? Have any been completed and if so, when will Council be provided with the assessment?</i>		
	<i>How does the Mayor's proposed Labor Advisory Committee differ from a Labor/Management Committee?</i>		
	<i>Who will select the members of the Pre-Competition Assessment Team? If people within affected departments are considered, how will objectivity be ensured? Will both labor and management be included?</i>		
	<i>What opportunities are there for challenging the conclusions of the Pre-Competition Assessment Team, the IRB or the Mayor's decision to proceed to conduct a managed competition?</i>		

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	<i>Will the Activity Department Employee Proposal Team (ADEPT) members be permitted to use work time to develop their proposals?</i>		
	<i>What is the Statement of Work Process? Can it be changed and by whom? If significant changes are made, who has oversight?</i>		
	<i>Will Council be provided the Statement of Work and accompanying report that will be provided to IRB?</i>		
	<i>Will public comment be permitted at the open meeting at which the IRB announces its decision? Will public sentiment be a formal factor included in the IRB guidelines for decisionmaking?</i>		
	<i>Will there be public disclosure of bids and proposals during the IRB review process or at end of selection to ensure transparency?</i>		
	<i>Given the revised timeframe, when is the first RFP anticipated to be issued and managed competition actually implemented?</i>		
	<i>How will customer satisfaction surveys be administered in order to ensure that results are both statistically significant and representative of a range of residents receiving the service?</i>		
	<i>Will performance audits be provided to the City Council? Who will perform the performance audits? Will additional staffing be needed to perform this service (if performed by in-house staff)? If performed by outside consultant, will cost be accounted for in bid proposals?</i>		

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	<i>What will be the mechanism for re-negotiating a contract if there is a change of circumstances, necessitating a change in the way this particular function is performed (e.g. new mandates, emergency situations)?</i>			
	<i>At the end of a contract, if the decision is to conduct another managed competition, can the same contractor apply again? How would employees, long since laid off, be able to participate in this competitive process?</i>			
Displaced Workers	<i>What does the County's employee protection plan provide for and does the City have anything similar?</i>			
	<i>What is the process for addressing the issue regarding displaced City employees having the right of first interview? Changes to the implementation ordinance?</i>			
Council's Role in the Process	<i>Will the Council see all of the bids and proposals and at what stage in the process?</i>			
	<i>For the City Attorney: What is the Council's authority with respect to the guide? Can Council approve/disapprove it? Mayor's staff refers to the guide as a "management tool"; but does the Council have some authority? For example, could the Council amend the Managed Competition Ordinance to address their concerns?</i>			

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Business Process Reengineering (BPR)	<i>How can we close the gap between BPR completion/savings and implementation when the gap relates to a decision on managed competition?</i>			
	<i>Why are we withholding the implementation of specific BPRs and how is this determined?</i>			
	<i>When is the collection services portion of the Environmental Services BPR coming forward?</i>			
	<i>How long of a BPR/MEO implementation period will be allowed prior to managed competition decision/process?</i>			
Performance Measures	<i>How will existing service levels be identified for services that are candidates for managed competition?</i>			
	<i>How will we ensure that levels of service will be maintained throughout managed competition?</i>			
	<i>Can the City document/communicate the current level of services provided? If yes, please provide.</i>			
	<i>Will performance measures be built into contracts?</i>			
Cost Development	<i>How are costs going to be defined and what methodology will be used?</i>			
	<i>How will contract monitoring, quality assurance, and management competition oversight costs be factored into proposals?</i>			

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	<i>Will the amount of staff and consultant time used to implement this process be factored into the economic/cost analysis? How will costs associated with reviewing proposals, staffing the IRB, negotiating with unions, developing and administering customer satisfaction surveys, processing complaints, etc be handled/accounted for?</i>		
External service provider	<i>Are contractors subject to background checks and ethics rules? How will public records acts be handled?</i>		
	<i>Will contract oversight and quality assurance be on a complaint response basis only, or will there be proactive review of compliance and performance? How will the City ensure all compliance requirements are being met by a contractor (e.g. living wage)?</i>		
	<i>Other than compliance with legally madated living wage, safety and other requirements, such as state disability and workers compensation, how will the City ensure that employees of an independent contractor receive health, retirement, and other benefits comparable to those provided to City employees?</i>		
	<i>If, after an independent contractor is directed to take corrective action on a failure to perform, the problem persists, what will be the remedy?</i>		
	<i>Will property and materials furnished by the service provider, if it is an external contractor, become City property at the conclusions of the contract?</i>		
	<i>How will the City's desire to have a diverse workforce be factored into this process?</i>		

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City Staffing/Firewall	<i>How will conflicts over whether a particular individual should be assigned to the ADEPT or SOW team be resolved? It is not inconceivable that a few particular expert individuals will be in high demand. And since the Pre-Competition Assessment Team and SOW are expected to be the same people, does that exclude key employees from the Pre-Competition Assessment?</i>		
	<i>Will staffing needs for the ADEPT and SOW teams impact operations? How do we ensure this?</i>		
Confidentiality	<i>Which documents/processes are being treated as confidential? How is this determined? (e.g. ESD-Collection Services BPR)</i>		
Meet & Confer	<i>Which aspects of Managed Competition are subject to meet and confer and is there agreement on this?</i>		
PERB	<i>What is the status of the PERB complaint? Hearing was scheduled for late September. Any possible impacts?</i>		
	<i>For the City Attorney: Should this process be proceeding in light of pending unfair labor practice charges?</i>		
Guide	<i>What does a 'living' Managed Competition Guide entail?</i>		
	<i>How do we handle disagreements on the guide?</i>		
	<i>What is the status of the guide? How will Council be updated if the guide changes?</i>		