

ORDINANCE

2020-10-01-0706

EXTENDING CONTRACTS WITH LABOR ON DEMAND, INC., STABILITY STAFFING AND CONSULTING, LLC, AND TRI-STARR PERSONNEL, LLC, DBA TRI-STARR GROUP, FOR AN ADDITIONAL ONE-YEAR PERIOD TO PROVIDE TEMPORARY STAFFING SERVICES FOR CITY DEPARTMENTS FOR AN ESTIMATED ANNUAL COST OF \$2,821,086.00. FUNDING IS AVAILABLE IN THE RESPECTIVE DEPARTMENTS' FY 2021 ADOPTED BUDGET.

* * * * *

WHEREAS, pursuant to Ordinance No. 2015-11-19-0973, passed and approved on November 19, 2015, the City entered into three professional services agreements with Labor on Demand, Inc., Stability Staffing and Consulting, LLC, and Tri-Starr Personnel, LLC, dba Tri-Starr Group, which terminate on December 20, 2020; and

WHEREAS, extension of the temporary staffing services contracts is requested for one year due to delays related to the coronavirus (COVID-19) and for staff to evaluate and prepare the next temporary staffing services Request for Proposals (RFP); and

WHEREAS, all expenditures will be in accordance with the applicable fiscal year's budget approved by City Council; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:


SECTION 1. The contract amendments with Labor on Demand, Inc., Stability Staffing and Consulting, LLC, and Tri-Starr Personnel, LLC, dba Tri-Starr Group, to provide temporary staffing services for City departments for an estimated annual cost of \$2,821,086.00 are hereby approved, subject to and contingent upon the deposit of all required bonds, performance deposits, insurance certificates and endorsements. The City Manager, or designee, or the Director of the Human Resources Department is hereby authorized to execute the contract amendments which are attached hereto and incorporated herein for all purposes as **Exhibit I**.

SECTION 2. Funds will be encumbered upon issuance of purchase orders, and payment is authorized to the vendors identified herein. All expenditures will be in accordance with the Fiscal Year 2021 budget, and such other appropriations necessary to fund the contracts through their terms as evidenced by subsequent ordinances.

SECTION 3. This ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.


LC
10/01/20
Item No. 23

PASSED AND APPROVED this 1st day of October, 2020.




M A Y O R
Ron Nirenberg

ATTEST:



Tina J. Flores, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council
October 1, 2020

Item: 23

Enactment Number:
2020-10-01-0706

NAME	MOTION	SECOND	ABSTAIN	AYE	NAY	ABSENT
Roberto Treviño Council District 1				√		
Jada Andrews-Sullivan Council District 2				√		
Rebecca Viagran Council District 3				√		
Adriana Rocha Garcia Council District 4				√		
Shirley Gonzales Council District 5				√		
Melissa Cabello Havrda Council District 6				√		
Ana Sandoval Council District 7				√		
Manny Pelaez Council District 8				√		
John Courage Council District 9	√			√		
Clayton Perry Council District 10		√		√		
Ron Nirenberg Mayor				√		

Comments: Approved on consent

LC
10/01/20
Item No. 23

Exhibit I

**AMENDMENT NO. 3
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO AND LABOR ON DEMAND, INC.
FOR TEMPORARY PERSONNEL SERVICES**

This Amendment No. 3 is entered into by and between the **City of San Antonio**, a Texas Municipal Corporation, (hereinafter referred to as “City”) acting by and through its Director of Human Resources or designee, and **Labor on Demand, Inc.**, (hereinafter referred to as “Agency”) acting by and through Lucinda Martinez-Leal, its President. City and Agency may be referred to herein collectively as the “Parties”.

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

WHEREAS, pursuant to Ordinance No. 2015-11-19-0973, passed and approved on November 19, 2015, the City entered into a professional services agreement with Agency for temporary personnel services that, as renewed, terminates on December 20, 2020 (hereinafter the “Agreement”); and

WHEREAS, the Governor issued State of Emergency Proclamation dated March 13, 2020, as amended in subsequent Executive Orders, and the Mayor issued a Declaration of Public Health Emergency, as extended by the San Antonio City Council, in response to the coronavirus (COVID-19) pandemic; and

WHEREAS, it is in the City’s best interest and Parties agree to extend the contract for an additional one-year period under the same terms and conditions; **NOW THEREFORE:**

City and Agency agree to amend the Agreement as follows:

**ARTICLE I
AMENDMENT**

Article I, Term, is hereby revised to extend the term for an additional one-year period under the same terms and conditions, as follows:

- 2.1 Unless sooner terminated in accordance with the provisions of this Agreement, the term of this Agreement shall commence on December 20, 2015 and terminate on DECEMBER 20, 2021.
- 2.2 If funding for the entire Agreement is not appropriated at the time this Agreement is entered into, City retains the right to terminate this Agreement at the expiration of each of City’s budget periods, and any subsequent contract period is subject to and contingent upon such appropriation.

**ARTICLE II
PROVISIONS REMAIN IN EFFECT**

All other terms, conditions, covenants and provisions of the Agreement not specifically mentioned herein and revised by this Amendment No. 3, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said Agreement, and any renewals thereof.

ARTICLE III
ENTIRE AGREEMENT

This Agreement, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

EXECUTED and **AGREED** to as of the dates indicated below. This Amendment No. 3 may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY OF SAN ANTONIO

LABOR ON DEMAND, INC.

<p>_____ (Signature)</p> <p>Printed Name: Lori Steward</p> <p>Title: Director, Human Resources Department</p> <p>Date: _____</p>	<p><i>Lucinda M. Leal</i> _____ (Signature)</p> <p>Printed Name: Lucinda Martinez-Leal</p> <p>Title: President</p> <p>Date: July 8, 2020</p>
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Approved as to Form:

Assistant City Attorney

**AMENDMENT NO. 5
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO AND TRI-STARR PERSONNEL, LLC.
FOR TEMPORARY PERSONNEL SERVICES**

This Amendment No. 5 is entered into by and between the **City of San Antonio**, a Texas Municipal Corporation, (hereinafter referred to as “City”) acting by and through its Director of Human Resources or designee, and **Tri-Starr Personnel, LLC dba Tri-Starr Group**, (hereinafter referred to as “Agency”) acting by and through Pam Vaught, its Vice President and Chief Operating Officer. City and Agency may be referred to herein collectively as the “Parties”.

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

WHEREAS, pursuant to Ordinance No. 2015-11-19-0973, passed and approved on November 19, 2015, the City entered into a professional services agreement with Agency for temporary personnel services that, as renewed, terminates on December 20, 2020 (hereinafter the “Agreement”); and

WHEREAS, the Governor issued State of Emergency Proclamation dated March 13, 2020, as amended in subsequent Executive Orders, and the Mayor issued a Declaration of Public Health Emergency, as extended by the San Antonio City Council, in response to the coronavirus (COVID-19) pandemic; and

WHEREAS, it is in the City’s best interest and Parties agree to extend the contract for an additional one-year period under the same terms and conditions; **NOW THEREFORE:**

City and Agency agree to amend the Agreement as follows:

ARTICLE I
AMENDMENT

Article I, Term, is hereby revised to extend the term for an additional one-year period under the same terms and conditions, as follows:

- 2.1 Unless sooner terminated in accordance with the provisions of this Agreement, the term of this Agreement shall commence on December 20, 2015 and terminate on DECEMBER 20, 2021.
- 2.2 If funding for the entire Agreement is not appropriated at the time this Agreement is entered into, City retains the right to terminate this Agreement at the expiration of each of City’s budget periods, and any subsequent contract period is subject to and contingent upon such appropriation.

ARTICLE II
PROVISIONS REMAIN IN EFFECT

All other terms, conditions, covenants and provisions of the Agreement not specifically mentioned herein and revised by this Amendment No. 5, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said Agreement, and any renewals thereof.

ARTICLE III
ENTIRE AGREEMENT

This Agreement, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.


EXECUTED and **AGREED** to as of the dates indicated below. This Amendment No. 5 may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY OF SAN ANTONIO

TRI-STARR PERSONNEL, LLC, DBA TRI-STARR GROUP

(Signature)

Printed Name: Lori Steward
Title: Director, Human Resources Department
Date: _____



(Signature)

Printed Name: Pam Vaught
Title: Vice President and COO
Date: 8-7-2020

Approved as to Form:

Assistant City Attorney

**AMENDMENT NO. 3
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO AND STABILITY STAFFING AND
CONSULTING, LLC
FOR TEMPORARY PERSONNEL SERVICES**

This Amendment No. 3 is entered into by and between the **City of San Antonio**, a Texas Municipal Corporation, (hereinafter referred to as “City”) acting by and through its Director of Human Resources or designee, and **Stability Staffing and Consulting, LLC**, (hereinafter referred to as “Agency”) acting by and through Jennifer Delgado, its President and CEO. City and Agency may be referred to herein collectively as the “Parties”.

The Parties hereto severally and collectively agree, and by the execution hereof are bound, to the mutual obligations herein contained and to the performance and accomplishment of the tasks hereinafter described.

WHEREAS, pursuant to Ordinance No. 2015-11-19-0973, passed and approved on November 19, 2015, the City entered into a professional services agreement with Agency for temporary personnel services that, as renewed, terminates on December 20, 2020 (hereinafter the “Agreement”); and

WHEREAS, the Governor issued State of Emergency Proclamation dated March 13, 2020, as amended in subsequent Executive Orders, and the Mayor issued a Declaration of Public Health Emergency, as extended by the San Antonio City Council, in response to the coronavirus (COVID-19) pandemic; and

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**ARTICLE II
PROVISIONS REMAIN IN EFFECT**

All other terms, conditions, covenants and provisions of the Agreement not specifically mentioned herein and revised by this Amendment No. 3, are retained in their entirety, unchanged, and remain in full force in effect for the duration of said Agreement, and any renewals thereof.

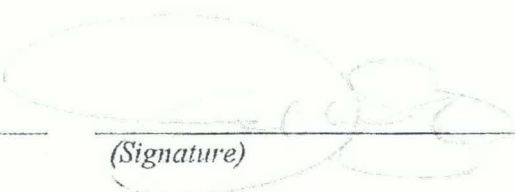
ARTICLE III
ENTIRE AGREEMENT

This Agreement, as amended, embodies the complete agreement of the parties hereto with regard to the subject matter contained herein, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein.

EXECUTED and **AGREED** to as of the dates indicated below. This Amendment No. 3 may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

CITY OF SAN ANTONIO

**STABILITY STAFFING AND CONSULTING,
LLC**

<p>_____ <i>(Signature)</i></p> <p>Printed Name: <u>Lori Steward</u></p> <p>Title: <u>Director, Human Resources Department</u></p> <p>Date: _____</p>	<p style="text-align: center;"></p> <p>_____ <i>(Signature)</i></p> <p>Printed Name: <u>Jennifer Delgado</u></p> <p>Title: <u>President and CEO</u></p> <p>Date: <u>7/9/2020</u></p>
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Approved as to Form:

Assistant City Attorney