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Correspondence

Meeting of February 26, 2008

1. Item # 26 Residential Rental Housing Inspection Program

Please note correspondence has been received from many sources and duplications may have occurred.

- a. Correspondence
 - 1. Patti Uplinger

Previously submitted correspondence is available for review at the City of Sacramento Website at http://sacramento.granicus.com/ViewPublisher.php?view_id=7 or the City Clerk's office at Historic City Hall- 915 I Street.

2. Item # 12 Unarmed Security Guard Services (Continued from 2-19-08)

Please note correspondence has been received from many sources and duplications may have occurred.

b. Correspondence

1. William B. Partmann, III, Attorney at Law

From: "Patti Uplinger" <patti@housingnowresource.org>
To: <bpannell@cityofsacramento.org>, <hfargo@cityofsacramento.org>, <kmccart...>
Date: 2/25/2008 2:09 PM
Subject: Rental Inspection Ordinance

Dear Council Members and Mayor,

This email is sent in regards to the Rental Inspection Ordinance. I am writing to you as an Associate member of the Rental Housing Association (RHA) and as a Rental Property member of RHA as well. I am also writing on behalf of the Tallac Village Neighborhood Association as President and as the Executive Director of Housing Now (we assist persons with developmental disabilities to find safe and decent housing).

We support this Rental Housing Inspection program being City Wide and the fee that is proposed. We do not agree with the RHA fee proposal. As a small business owner this fee is increased in their proposal for one or two unit owners. We think this is unfair for the small business owner. If the RHA proposal kept the 1 and 2 unit owners at the \$28 fee and reduced the fee for the large rental property owners I can agree with that otherwise we do not agree with any change in the fee.

For the record Housing Now and Tallac Village Neighborhood Association, Eva Mosso and Patti Uplinger as rental owners support the City Wide Inspection Program as written in its' current form.

Thank you for listening!

Patti Uplinger

Executive Director Housing Now

President Tallac Village Neighborhood Association

Rental Property Owner of one property

916-549-1044

Dear Council Members and Mayor,

This email is sent in regards to the Rental Inspection Ordinance. I am writing to you as an **Associate member** of the **Rental Housing Association (RHA)** and as a **Rental Property** member of RHA as well. I am also writing on behalf of the **Tallac Village Neighborhood Association as President** and as the **Executive Director of Housing Now** (we assist persons with developmental disabilities to find safe and decent housing).

We support this Rental Housing Inspection program being City Wide and the fee that is proposed. We **do not** agree with the RHA fee proposal. As a small business owner this fee is increased in their proposal for one or two unit owners. We think this is unfair for the small business owner. If the RHA proposal kept the 1 and 2 unit owners at the \$28 fee and reduced the fee for the large rental property owners I can agree with that otherwise we do not agree with any change in the fee.

For the record **Housing Now and Tallac Village Neighborhood Association, Eva Mosso and Patti Uplinger** as rental owners support the **City Wide Inspection Program** as written in its' current form.

Thank you for listening!

Patti Uplinger

Executive Director Housing Now

President Tallac Village Neighborhood Association

Rental Property Owner of one property

916-549-1044

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WILLIAM B. PARTMANN, III
Attorney at Law

910 FLORIN RD.
SUITE 209E
SACRAMENTO, CA 95831
Phone (916) 429 -2002

February 21, 2008

To the Sacramento City Council
Heather Fargo

Re: Comprehensive Security Service Inc.
Matter Id: 07-2084
Bid #: B071181035
Council Agenda Item: February 26, 2008

RECEIVED
MAYOR/COUNCIL OFFICE
CITY OF SACRAMENTO
2008 FEB 21 P 3: 21

Dear Mayor Fargo:

I was requested by the President of Comprehensive Security Services, Inc. to write each member of the City Counsel regarding the forthcoming votes on the City of Sacramento's Unarmed Security Guard Services Contract.

By way of introduction, let me briefly address who my client is. Comprehensive Security Services, Inc. is a local provider of security guard services. It is a small corporation and its sole shareholder lives in the City of Sacramento. The company was started here in 1989 with three employees. Today, the Sacramento offices alone employ approximately 60. The corporation is minority owned and prides itself on its ethnically diverse pool of employees. The corporation which has its main administrative office in the City of Sacramento and has 3 satellite offices in California, one in Louisiana, and one in Mississippi.

As a result of the close ties to the community, Comprehensive's bid was intentionally lean. My client's "year one" bid was \$1,886,990.00 and its five year bid is \$9,529,775.00. According to the February 19, 2008 Consent Agenda, Item 8, attachment 2, Comprehensive was the lowest bidder. In comparison, National, who Comprehensive is informed and believes was the next eligible bidder, had a first year bid of \$2,052,297.00 and a five year bid of \$10,852,993.00. The "five-year" savings to the City of Sacramento (should Comprehensive's current bid be chosen using current bid figures) is \$1,323,218.00. A substantial savings for the taxpayers of the City of Sacramento. (These figures accurate as of February 21, 2008).

This leads to the question why Comprehensive's bid was disqualified. The City contends, at the urging of a third party, that Comprehensive failed to answer the Pre-Contract Questionnaire, Question 24, correctly.

The question, as presented to the my client, was:

In the past five years, has your firm been a defendant in court on a matter related to any of the following issues:

(C) Employment-related litigation brought by an employee.

To this question Comprehensive answered "No." I attach to this letter my correspondence with Christopher Stewart and the Sacramento City Attorney's response. These documents will fully explain the opposing positions. As you can see, my client believes the question is vague and ambiguous. Since litigation against Comprehensive was not brought by a person employed at the time, the correct answer was no.

The question should have read:

(C) All employment-related litigation.

Unfortunately, it did not. Comprehensive is of the opinion that other bidders also experienced similar confusion.

In addition, has anyone questioned whether question 24 subpart "C" is meant to include California Labor Code section 132a? Labor Code section 132a is discrimination based on a work-related injury. A 132a claim can be filed either in Superior Court or in the Workers' Compensation System. My point is, discrimination on any basis is wrong but question 24, as asked, does not seem to address that issue clearly. A good faith argument can be that a 132a case filed before Workers Compensation Appeals Board is not litigation, but an administrative proceeding. Whether it is litigation or an administrative proceeding, the employee still has been discriminated against and possibly to the extent of wrongfully losing his/her job.

I humbly suggest to the City Council of Sacramento, if the intent of the Council is to protect workers from unscrupulous employers, then reopen this contract for bidding and redraft question 24 so as to remove the ambiguity. As noted in my letter to Christopher Stewart, Comprehensive's employment litigation history is exemplary. To eliminate the lowest bid because of an ambiguity, not created by Comprehensive Security Services, Inc., is unfair and economically makes no sense given the facts behind the mistake.

It is the policy of Comprehensive to offer positions to (and hopefully absorb) as

many qualified incumbent employees of the prior vendor as possible. In this manner, Comprehensive will limit the disruption to the prior employees' lives and insure a smooth transition for the City between the past vendor and Comprehensive. My client thanks you for your understanding in this matter and looks forward to working with you on this contract.

Sincerely,

William B. Partmann, III

CC: Christopher Stewart

WILLIAM B. PARTMANN, III
ATTORNEY AT LAW

910 FLORIN RD. SUITE 209E, SACRAMENTO, CA 95831, (916) 429-2002

January 29, 2008

Christopher Stewart
City of Sacramento
Procurement Services
915 I St.
Sacramento, Ca 95814

Re: Request for Qualification Questionnaire Inquiry
My Client: Comprehensive Security Services, Inc.
Bid #: B071181035

Dear Mr. Stewart:

I was requested to respond to your letter of January 28, 2008, by Bashir A. Choudry, President and Chief Executive of Comprehensive Security Services, Inc. (hereinafter CSSI). In your letter, you inquired why the response to Question 24 was negative, when there was an action that was filed during January 2007 against CSSI.

The questionnaire was sent by Mr. Choudry to the Human Relations Department for completion. An inexperienced employee completed the questionnaire under the supervision of the Department Head. Question 24 asked:

In the past five years, has your firm been a defendant in court on a matter related to any of the following issues:

(A) Employment-related litigation brought by an employee.

According to a strict interpretation of the question, the HR Department answered "No." This is a true statement because Mr. Singh (the plaintiff) was not an employee of CSSI when he filed his case in January of 2007. According to California Labor Code section 3351, "employee" means every person in the service of an employer under any appointment or contract of hire. The opposite is also true, if one is no longer in the service of an employer, one is no longer an employee.

The HR Department used a narrow definition of "employee." The plaintiff was not in the service of CSSI at the time litigation was filed, and litigation was the **event** framed

by Question 24, so, Mr. Singh was not an employee of CSSI when he filed. He was an ex-employee. Unfortunately, the question has multiple interpretations.

After completing the questionnaire, it was delivered to Mr. Choudry who asked the young employee if she had consulted with the Head of HR when answering the questions. She answered affirmatively. (See footnote1). At which time Mr. Choudry signed the document without an in-depth review of the answers. Had Mr. Choudry thoroughly reviewed the questionnaire, he would have noted the confusion caused by the lack of a definition for the word "employee" and he would have called your office for clarification. Upon receipt of your January 28, 2008 letter, Mr. Choudry reviewed every answer and confirms the answers provided.

I would like to address the ultimate issue of CSSI's record regarding Federal and California Equal Protection laws. In last 10 years (if not more), there have been two filing alleging discrimination against CSSI. The first was 10 or more years ago. The plaintiff claimed discrimination based on gender. This was filed by a woman who was terminated by the company for cause. The woman alleged she was harassed and discriminated because she was a female. The corporation's reason for the termination was: a client of CSSI, whose property this plaintiff was guarding, had placed a hidden video camera to catch the thief stealing from the site. The camera caught this woman going into a place that was not part of her route and apparently looking through boxes. After reviewing the tape, the plaintiff's attorney accepted the offer from CSSI's insurance company to settle for \$2,000.00. Even though this was a mere nuisance settlement, I objected to any payment because the plaintiff was clearly doing something she should not have been doing.

Regarding the January 2007 case, the plaintiff was terminated as a result of shrinking revenues. Two other employees were terminated during this corporate realignment. Plaintiff contends that it was discrimination based on race or national heritage. CSSI had and still has many employees of the plaintiff's heritage and/or race. The plaintiff was terminated without regard to race or heritage. The plaintiff was terminated because he was the newest and least effective manager. Additional information on the 2007 case is:

Plaintiff's Name:	Sarwan Singh
Case Number:	07AS00405
Date of Filing:	January 26, 2007
Venue:	Superior Court of Sacramento County
Causes of Action:	Discrimination-Ethnicity, Labor Code section 1102.5 Government Code 12940, Termination violating Public Policy
Damages Requested:	Compensatory and exemplary
Current Status:	Discovery phase.

It should be noted that over the last 10 years, CSSI employed an average of 180 employees every year. In 10 years, that equals a minimum of 1800 employee years. The ratio of EEO complaints to employee years equals .001. Mr. Choudry is proud of this record, especially considering the litigious nature of our society. He hopes to improve on this record over the next 10 years

Mr. Choudry apologizes for his unfortunate oversight. He accepts full blame but wants to emphasize that the error was unintentional. Based on the foregoing information, CSSI hopes the existing bid will be consider as fully responsive and the City continue with the approval process. CSSI is committed to providing professional security services and looks forward to working with the City of Sacramento.

Sincerely Yours,

William B. Partmann, III

1. It is not CSSI intention to blame the inexperienced employee, since the answers were obtained from and/or approved by the head of the H.R. Department.



**OFFICE OF THE
CITY ATTORNEY**

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February 7, 2008

DEPUTY CITY ATTORNEYS
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William B. Partmann
910 Florin Road, Suite 209E
Sacramento, Calif. 95831

Re: Comprehensive Security Services, Inc./RFP for Security Services
Matter ID: 07-2084
Document No.: 71941

Dear Mr. Partmann:

Thank you for your letter of January 29, 2008 concerning Comprehensive's response to Question 24 of the City's Request for Proposals concerning security services. As you may recall, Question 24 asked:

In the past five years, has your firm been a defendant in court on a matter related to any of the following issues:

(A) Employment-related litigation brought by an employee.

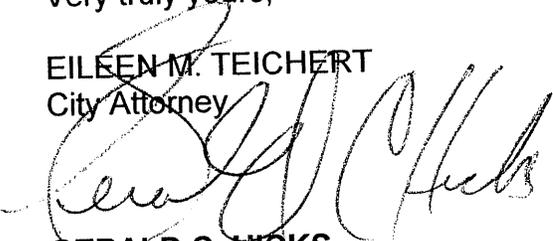
To this question Comprehensive Security Services answered "No."

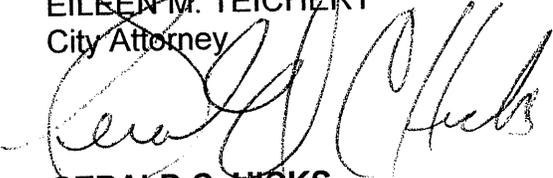
In your letter, you point out that according to a strict interpretation of the question, this answer is accurate as Mr. Singh, a former employee and plaintiff in Singh v. Comprehensive Security Services, Inc., Sacramento Superior Court Case No. 07AS00405, was no longer an employee at the time of filing the lawsuit. Unfortunately, the City must respectfully disagree with this interpretation of the question. While brought by a former employee, the allegations clearly indicate that the lawsuit was brought based on Mr. Singh's status and rights as an employee. Therefore, the answer to the question should have been "yes." A reading of the question limited to current employees would preclude all employment related claims where termination was among the prohibited actions of the employer – the great majority of employment related litigation. This was obviously not the intent of the question.

William B. Partmann
Comprehensive Security Services, Inc./RFP for Security Services
February 7, 2008
Page -2-

The City understands and respects the employment related history of Comprehensive set forth in your letter and understands that lawsuits often have no basis. We also understand the frustration over Comprehensive's oversight in answering the question. However, we cannot accept this interpretation of Question 24 and remain consistent with our interpretation of this question with respect to the remainder of those who submitted proposals.

Very truly yours,


EILEEN M. TEICHERT
City Attorney


GERALD C. HICKS
Senior Deputy City Attorney

GCH/dkc