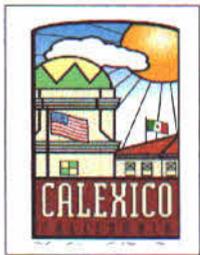


**AGENDA
ITEM**

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CITY COUNCIL AGENDA STAFF REPORT

DATE: June 3, 2020

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager *DD*

PREPARED BY: Denise Garcia, HR/RM Manager *DG*
Lily Falomir, PW Manager

SUBJECT: Approve a Professional Services Agreement with Fernando Ruiz & Associates and Authorize the City Manager to Sign the Agreement

=====

Recommendation:

Approve a Professional Services Agreement with Fernando Ruiz & Associates and authorize the City Manager to sign the agreement.

Background:

As Council is aware the City has been faced with numerous Workers Compensation claims over the last several years. To be proactive in lowering that number, the Human Resources and Risk Management Department has identified ways to reduce the number of on the job illnesses and injuries. One of those ways is to train the employees and supervisors how to prevent an injury by recognizing potential physical and environmental hazards, to establish protocols, procedures, and to provide guidance for all City departments. Fernando Ruiz & Associates has the capability of providing these services and more under this agreement.

The services provided by the previous firm did not provide for jobsite inspections or guidance and met OSHA standards at a bare minimum. Their charges had included travel time, lodging, meals, training time and materials for this type of training. These charges had a tendency to fluctuate from month to month and were heavily influenced by economic and seasonal factors.

Discussion & Analysis:

The all-inclusive rate provided by Fernando Ruiz & Associates will allow the City to not only meet OSHA requirements, but will provide in depth preventative training, full access to reference guides and training materials, consultation and assistance with creating policies and procedures that will assist each department with OJII prevention. Job site inspections and tail-gate meetings are also included.

AGENDA
ITEM

10

City Administration wishes to maintain a safe environment for all staff, reduce potential for OSHA fines and eliminate excess Workers Compensation liability, therefore it is prudent that we contract for professional services with Fernando Ruiz & Associates. Additionally, the consultant has already demonstrated their ability to train City supervisors in the Public Works Department on proper safety procedures and OSHA regulations and reporting requirements. Fernando Ruiz & Associates has developed the CUPA plan and is currently drafting policies related to COVID-19, required by OSHA as well. Additionally, we will have some flexibility with monthly training topics and may be able to schedule the consultant's time to meet the needs of individual departments.

Fernando Ruiz & Associates consulting firm is currently serving several cities and local government agencies, as well as the private sector and is highly recommended.

Fiscal Impact: The proposal for Services is attached for your review. The monthly retainer is \$2,785. The budgeted amount for risk management services training is \$35,000.

Alternatives: Do not approve the Professional Services Agreement with Fernando Ruiz & Associates and do not authorize the City Manager to sign the agreement.

OR

Direct staff to provide additional alternatives and bring back at a later date.

Attachments:

Fernando Ruiz & Associates Proposal



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May 20, 2020

Ms. Denise R. García
HR & Risk Management Manager
CITY OF CALEXICO
608 Heber Avenue
Calexico, CA 92231

RE: Safety Consulting Services - Monthly Retainer Program

Dear Denise:

Thank you for allowing us to perform the onsite safety inspection and safety audit of the following **City of Calexico's** facilities: Vehicle Maintenance, Street and Painting, Water Treatment Plant, International Airport, and Wastewater Treatment Plant. Based on the inspection and audit findings there is a lot of work to be done to rectify the safety deficiencies noted in the reports. Of particular interest is the need for on-going and systematic safety meetings. Also, there are several safety plans which need to be written and implemented.

We are asking the **City of Calexico** for the opportunity to assist you in these corrective efforts. To this end, we are providing the attached proposal. I have also included some information on our corporation and the different services we offer.

I'll be happy to answer any questions you may have. Until then, I remain

Respectfully yours,

F. Ruiz

Fernando Ruiz
President/CEO

FR: cr

Mobile Number: 760-455-9726

Main Office: 760-352-3227



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Safety Consulting Proposal (Updated 5/20/2020)

Fernando Ruiz, Inc. dba Ruiz & Associates proposes to provide the following safety consulting services to the **City of Calexico** to help rectify deficiencies noted in the inspection reports already submitted. The monthly retainer fee is: **\$2,785**. Duration of Services: Minimum three (3) years [36 months], thereafter "At Will". Termination requires 30-day written termination of services by either party. If termination is within the first 36 months there will be liquidation for balance of 36 months left at **\$2,785** per month due and payable to **Ruiz & Associates** within 30 days. All work and monies due will be turned in and paid in full prior to cancellation.

Proposed Services

1. Develop the following Safety Plans for Vehicle Maintenance, Street Maintenance, Water Treatment Plant, International Airport and Wastewater Treatment Plant Facilities:
 1. Injury & Illness Prevention Program Plan (IIPP)
 2. COVID-19 Safety Plan as an "Addendum" to IIPP
 3. Hazardous Materials Communication Plan (HMCP)
 4. Heat Safety Plan (HSP)
 5. Emergency Action Plan
 6. Fire Prevention Plan
 7. Hazardous Material Business Plan (HMBP - also known as "CUPA Plan")
 8. Respirator Safety Plan – if required
 9. Lockout and Tagout Plan
 10. Spill Prevention Countermeasure & Control Tier I Plan
2. Update of all Safety Plans as required.
3. Certification Training on those plans which require on-going certification training.
4. Prepare materials for and conduct Monthly Tailgate Safety Meetings.
5. Develop Job Hazard Analysis (JHA) of work tasks performed at the above noted Facilities.
6. Develop Standard Operating Procedures for the JHA's.
7. Adminstrate Monthly Facility Inspections. Train Supervisors and other staff on how to conduct and document monthly facility inspections. We will inspect their documentation/work monthly.
8. Train staff and help manage Weekly and Monthly Hazardous Material Storage and Aboveground Storage Tank inspections as required by California Health and Safety Code for HMBP and SPCC Plans.
9. Forklift safety certification safety training.
10. Heavy Equipment certification safety training.
11. Initially, conduct monthly reviews of Facility documentation to make sure follow up is being done. Thereafter, reviews will be conducted quarterly.
12. Consulting services on related matters.

DISCLAIMER

Fernando Ruiz, Inc. dba Ruiz & Associates does not provide SPECIFIC SAFETY TRAINING relative to client's specific safety hazard. ALL training is on an "Awareness" or "General Information" basis designed to meet the Cal OSHA "Good Faith Effort" and other regulatory agencies' minimum requirements. "Specific Safety Hazard Training" and "Hands-On Training" is the sole responsibility of employer and not of **Ruiz & Associates**. It is understood that **Ruiz & Associates** is not the **City of Calexico's** Safety Department nor do we take the place of the City's Safety Department.



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Consulting Services Hold Harmless Agreement

Whereas **Fernando Ruiz & Associates dba Ruiz & Associates** (hereinafter **Ruiz & Associates**) has entered into a business arrangement with **City of Calexico** (hereinafter Client) to provide safety consulting services on a donation basis, let it be known that all safety and related safety meetings are conducted on an "assessment level" or "general safety" basis. Client understands that **Ruiz & Associates** does not administrate or manage Client's safety program but that it simply provides complimentary services. Client understands that the "day-to-day" responsibilities of managing and administrating its safety program and the safety of its employees are the sole responsibility of Client and not of **Ruiz & Associates**. Client understands that **Ruiz & Associates** does not make any claim, expressed or implied, through its "assessment level" and "general safety" consulting services that said services guarantees that employees will not have accidents, suffer injuries or illnesses.

"Assessment level" and "general safety" consulting services are provided to help Client meet its "Good Faith Effort" training requirements onto California OSHA and other regulatory agencies; nothing more, nothing less. **Ruiz & Associates** does not provide Client or its employees with "specific safety" or "hands on" training. It is understood that "specific safety" and "hands on" hazards training is the sole responsibility of the Client and not of **Ruiz & Associates**

IF requested to provide "specific safety" consulting services **Ruiz & Associates** would consider the request on a case-by-case basis resulting in additional consulting costs to Client and these services would be performed under a separate "Indemnity" or "Hold Harmless" agreement tailored to the consulting services being requested by Client, for example, Permit Required Confined Space Training.

Client agrees to hold harmless **Ruiz & Associates**, its executive officers and employees, of any liability from any loss, claim and action, or suit, arising from or incurred in connection with **Ruiz & Associates'** safety consulting services. Upon any such asserted claim, Client shall thereafter at its own expense pay or satisfy said claim or otherwise defend, protect and hold harmless **Ruiz & Associates**, its executive officers and employees against said claim or any loss or liability there under. This agreement shall be unlimited as to amount or duration.

Signing two (2) original copies of this Agreement this _____ day of _____, 2019 by the following respective parties' authorized agent or representative.

Fernando Ruiz, President/CEO
Ruiz & Associates

City of Calexico



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Fernando Ruiz, Inc. – Ruiz, Inc. dba Ruiz & Associates

Mission Statement

Our mission is two-fold. **First**, we endeavor to provide small and medium sized California based businesspeople with help in meeting their regulatory compliance responsibilities in safety and health relative to their business operations. **Secondly**, we have created a corporation that allows business owners a **"One-Stop-Shop"** for services that are interrelated with safety and health.

In accomplishing our mission, we act as a resource to businesses so that they can make informed decisions when managing safety and health related business matters.

Quality service, fair prices and a lot of hard work is the cornerstone to the implementation and fulfillment of our mission.

Who we are and what we do...

In 1995 my wife Conchi and I started the partnership **Ruiz & Associates**. Pooling together over 20 years of business resources, experience and community contacts we started off by offering consulting services in workers' compensation claims management, conducting awareness level "tailgate safety meetings" and writing Injury & Illness Prevention Program plans. In November of 2000 we incorporated as **Fernando Ruiz, Inc.** Our dba is **Ruiz & Associates**. After 24 years in business our client list is over 1,300 with over 3,000 Commercial Motor Vehicle drivers registered in alcohol and drug testing services. In safety and health, we are presently servicing over 120 clients on a regular and monthly basis. We have offices in El Centro and San Diego.

We do not advertise. Our business grows strictly by client referrals and word of mouth. Satisfied clients keep referring other customers to us. We believe that these referrals are clear evidence of customer satisfaction.

Our business is divided in several "divisions" each of which offers a particular service that our clients can "purchase" as the need arises. These include: **1)** DOT mandated Alcohol & Drug testing services, **2)** Writing health and safety plans, **3)** Conducting awareness level tailgate safety meetings, **4)** Pesticide Handler certification, **5)** Workers' Compensation Claims consulting, **6)** Pre-Audits for DOT and CHP regulated companies, **7)** On site safety facility inspections, **8)** Safety Consulting services, **9)** Cal OSHA appeals consulting, and **10)** Annual safety program/plan audits.

Can we be of help to you? Probably so, but we'll let you make that decision when you're good and ready. We are not "pushy" people at **Ruiz & Associates**. We're simply too busy and have learned long ago to instead channel our valuable energy and resources toward **"Helping businesspeople, one client at a time."** We appreciate your valuable time spent in reading this information. Please, go in peace and enjoy your life and may you live long and prosper!



Fernando Ruiz, Inc. dba Ruiz & Associates

"Helping business people, one client at a time."

Who Are We?

Fernando Ruiz, Inc., dba **Ruiz & Associates** is a safety consulting corporation that provides a variety of services to its clients, currently at over 1,300 in the Arizona, Imperial Valley, San Diego, Orange County and Riverside County areas. The corporation has 9 divisions each of which provide a specific service to its clients. We provide safety consulting to clients on federal, state, and local regulations. Often times this requires that we write a client's safety plans, e.g. I&IPP, Hazardous Materials Communication, Heat Illness Prevention, CUPA Business Plan, and others. As a collection center for DOT and Non-DOT drug testing we act as a "Third Party Provider" (TPP) and "Service Agent" to DOT and CHP regulated companies. Through networking and contracting with other service providers in alcohol and drug testing industry, we are able to service our clients within the entire continental United States. Here is a partial list of the services we are able to provide to you. Please let us know which you might be interested in. Thank you!

List of Services

Written Programs (NO training included)

- I&IPP Safety Plans
- Heat Illness Plan
- Hazardous Materials Communication Plan
- Alcohol & Drug Testing Plan
- Annual I&IPP Updates
- Annual HMC Plan Updates
- CUPA Chapter 6.95 Plan (CA clients only)
- Emergency Preparedness Plan

Safety Consulting Services

Monthly Tailgate Meeting

Consulting Hourly Rate

- Forklift Safety Training
- Sexual Harassment Non-Supervisor Training
- Supervisor Reasonable Suspicion Training
- Respirator Fit Testing

Quarterly On-Site Safety Inspections

Workers' Compensation Claims Consulting

- Generate your Cal OSHA 300 Logs
- Designated Employee Representative Training
- OSHA Claim Consulting & Appeals
- Medical Supervision Pesticide Spraying Program

Safety Audits

- I&IPP and Hazardous Materials Plans
- DOT Pre-Inspection Audits

- On Site Safety Inspections
- DOT Quarterly Audit Reviews & Updates

Assistance with Local, State, and Federal Regulatory Agencies.

Alcohol & Drug Testing Services

- DOT Regulated Drug Testing
- Non-DOT Drug Testing
- Alcohol Testing
- DOT MIS Reports
- DOT Clearinhouse

Updated 1/2/2019



Fernando Ruiz, Inc. dba Ruiz, Inc.

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ALCOHOL & DRUG TESTING SERVICES

For D.O.T. (Department of Transportation - Federal Motor Carrier Safety Administration) or HP (Highway Patrol) regulated employers. Full service: written and testing services available. D.O.T. and Non-D.O.T. testing. Instant checks. 3, 5, 7, etc. Panel Drug Testing available.

GENERAL AWARENESS SAFETY TOPICS

- Injury & Illness Prevention Program Indoctrination
- Blood borne Pathogens in the Workplace
- Fire Safety
- Fire Extinguisher – Hands on Training on Proper Use
- Emergency Preparedness Procedures
- Sexual Harassment in the Workplace - Non-Supervisor
- Hazardous Waste and Spill Management
- Annual "CUPA" Training
- Hazardous Communications – "Your Right to Know"
- Forklift Safety
- Lifting and Back Safety
- General Office Safety
- Confined Spaces
- Slips, Trips and Falls
- The Basics in Lock-Out/Tag-Out (non-site specific, general information only)
- Tractor Safety
- Heavy Equipment: Back Hoes, Trenchers, Tractors, etc.
- Basic Pesticide Safety
- Annual Pesticide Handler
- Respirator Fit Testing
- Personal Protective Equipment
- Trucks & Other Vehicles – Defensive Driving
- Lawnmowers, Trimmers, and Other Hand Held Tools
- Janitorial & Maintenance Safety
- Electrical Safety
- Ladder Safety
- Other Topics depending on your operations

DISCLAIMER

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Fernando Ruiz, Inc. dba Ruiz, Inc.

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Partial List of Clients - References

City of El Centro PW
307 W. Brighton Ave.
El Centro, CA 92243

Contact: Mark Limon
Phone: 760-554-5296
m_limon@cityofelcentro.org

County of Imperial HR/Risk Mgt.
940 W. Main Street
El Centro, CA 99243

Contact: Rosalva Guicho
Phone: 442-265-1167
rosalvaguicho@imperialcounty.net

City of Holtville PW
121 W. First Street
Holtville, CA 92250

Contact: Frank Cornejo
Phone: 760-457-9064
fcornejo@holtville.ca.gov,

City of El Centro Water Plant
1101 Dannenberg Dr.
El Centro, CA 92243

Contact: Hector Muñoz
Phone: 760-604-6562
hmunoz@ecpw.org,

City of El Centro Waste Treatment
2255 LaBrucherie Road
El Centro, CA 92243

Contact: Felix De Leon
Phone: 760-791-3510
fdeleon@ecpw.org

City of Brawley Water Treatment
5015 Best Road
Brawley, CA 92227

Contact: Gustavo Rodriguez
Phone: 760-556-4474
grodriguez@brawley-ca.gov

W. David Marini Farms
123 Cedar Ave.
Holtville, CA 92250

Contact: David Marini
Phone: 760-427-1955

Border Valley Trading
604 E. Meads Road
Brawley, CA 92227

Contact: Jared Brady
Phone: 760-960-0427
jared@bordervalley.com



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Fernando Ruiz - A.S., B.S., M.P.A.

Fernie The Handyman, Santa Ana, CA

1974 - 1978 Self Employed Handy Man. Odd jobs to put myself through college. Painting, mowing lawns, finish carpentry, plumbing, automotive mechanics, house sitting, debris removal, roofing and whatever else came up.

Operation SER, Jobs For Progress, Inc. Santa Ana, CA

1976 - 1978. Counselor. Responsible for counseling of economically disadvantaged students while engaged in CETA training for placement in gainful employment within the private sector in greater Orange County area.

County of Orange, Manpower Commission, Santa Ana, CA

1978 - 1983 Independent Monitoring Unit Auditor. Responsible for monitoring of CETA Community based training programs to make sure they maintained their program operations within Local, County, State and Federal regulatory requirements. Assisted Training Program in "out of compliance" areas to bring them back within regulatory compliance.

South Coast Personnel Services, Santa Ana, CA

1983 - 1992 Vice-President Co-Owner of temporary personnel firm with 7 locations and \$12.2 million in yearly sales. Specific areas of responsibility in running the business were: Sales, Service, Safety Training, Accident Investigation, Workers Compensation Claims Management, Collections, Manager Supervision and other POSDCORB responsibilities.

Tustin Health Center, Tustin, CA

1992 - 1995 President/CEO - Owner of a medical management corporation. Managed all aspects of Medical Clinic other than patient care for team of doctors, e.g. GP, ORTHO, Surgeon, DC and Physical Therapist. Major responsibilities were: Medical Staff recruitment and retention, Financial Management of all aspects of business, Safety training of all in-house staff and other POSDCORB responsibilities. Free lance safety consulting to various clients from South Coast Personnel.

Ruiz & Associates, El Centro, CA

1995 to Present. Owner. Safety consultant in all areas as they pertain to Cal OSHA and other State/Federal/County Agency requirements. Major responsibility towards my clients is to help them in their compliance efforts with: California and Federal OSHA, Department of Transportation (also Alcohol & Drug Testing + 49 CFR), California Highway Patrol, Labor Commissioner, Agriculture Commissioner, EDD, EPA, Department of Toxic Substance Control and other regulatory agencies. Write & Implement various safety plans, e.g. IIPP, Heat Safety, Forklift Safety Plans, Respirator Safety, Hazardous Materials Business Plans, etc. Manage 3 offices (El Centro, San Diego, Yuma, AZ), Manage combined total of 12 employees.

Education

1972	Completed High School Diploma Curriculum. Central Union High School. El Centro, CA	3.4 GPA
1976	Completed Bachelor of Science Curriculum. California State University Long Beach	Cum Laude
1983	Completed Master Public Administration Curriculum. California State University Long Beach	Suma Cum Laude
1998	Fire & Casualty Broker License (Expired)	

Other Qualifications

Fluent in reading, writing, and grammar in both English and Spanish. Proficient in medical, legal interpretation and translation (English/Spanish - Spanish/English). Skilled in California Labor Code, and 29 CFR, 49 CFR, 1910 Code of Federal Regulations, and Title 8 General Industry Safety Order. Experienced in Work Comp Claims Management. Over 18 years of experience in DTSC, Imperial CUPA and CERS. Professional Member of American Society of Safety Engineers.