

RALPH M. TERRAZAS FIRE CHIEF

August 13, 2021

BOARD OF FIRE COMMISSIONERS FILE NO. 21-077

TO:	Board of Fire Commissioners
	KR)

FROM: U Ralph M. Terrazas, Fire Chief

SUBJECT: FIRST AMENDMENT TO AGREEMENT C-137119 WITH SEAN D. HIGGS FOR CERTIFIED ATHLETIC TRAINER SERVICES

FINAL ACTION:	Approved	Approved w/Corrections	Withdrawn
	— Denied	Received & Filed	Other

SUMMARY

On December 5, 2018, the City Council approved the recommendation of the Innovation and Performance Commission for a \$350,000 Innovation Grant to the Los Angeles Fire Department (LAFD) to implement the Early Intervention Treatment Pilot Program (C.F. 18-1053). The grant funded a Captain I, Management Analyst and contractual services for a Certified Athletic Trainer. The pilot program has provided treatment to firefighters with minor aches and pains before they become more serious, with the goal of avoiding minor medical issues before they become Workers' Compensation claims. Traditionally, 80 percent of LAFD's Workers' Compensation claims are related to soft tissue injuries. Many of these claims are caused by firefighters performing job-related functions that lead to minor aches and pains that, over time, become more serious as a result of overexertion.

On October 13, 2020, following a competitive process, the LAFD entered into a oneyear Agreement with Sean D. Higgs for certified athletic trainer services in order to assist the LAFD with the development and implementation of the pilot program. The term of the Agreement is from October 13, 2020 through October 12, 2021, for an amount not to exceed \$100,000.

With the assistance of Mr. Higgs, the LAFD's Injury Prevention Unit (IPU) began operation on October 13, 2020. He has also been instrumental in distributing wellness and injury prevention information to the sworn members, in addition to conducting visits to the fire stations. Mr. Higgs has been providing the following three tiers of service in the IPU:

 Injury Prevention – Functional Movement Screen (FMS) testing in order to provide corrective movement exercises to reduce the chance of deficient movements developing into injuries. FMS testing occurs at the beginning and end of the drill tower training for all recruits, with corrective exercises provided after the first test.

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- Early Symptom Intervention Treatment of minor injuries before they manifest into chronic or significant injuries in order to decrease the possibility of Workers' Compensation claims.
- 3) Work Hardening/Return to Duty Providing specific therapy and exercise programs for those who have been off duty for more than six months due to an injury, and are transitioning back to full duty status, in order to reduce the chance of reinjury.

Since the inception of the program, the IPU has recorded over 850 contacts regarding a variety of injuries, with the most common affected areas being the low back, shoulder, knee, elbow, hip and cervical spine. Through Mr. Higgs' expertise in the public safety and athletic areas, the IPU has developed exercise programs and treatments to address those injuries and to prevent the development of more serious injuries.

Additionally, the IPU has partnered with the Los Angeles Fire Department Foundation to purchase customizable orthotics in order to study the effectiveness of the preventative aspects of these footwear inserts. The orthotics will be given to the recruits in the Drill Tower, as well as to any member who receives treatment for lower body pain at the IPU.

Furthermore, as a way to increase awareness of wellness and injury prevention strategies specific to firefighters, the IPU, in consultation with Mr. Higgs, designed the continuing education requirement under the Wellness Program in the Memorandum of Understandings between the City of Los Angeles and the Los Angeles Fire Department Chief Officers Association (MOU #22) and the United Firefighters of Los Angeles City (MOU #23). Members who successfully complete the requirements will qualify for a Wellness Premium.

In order to fully assess the long-term effectiveness of the Early Intervention Treatment Pilot Program and its impact on Workers' Compensation claims, further data is required. The LAFD requests that the current Agreement be extended in order to allow for more sufficient time to ascertain the complete benefit of the pilot program.

This First Amendment will extend the contract term by one year from October 13, 2020 through October 12, 2022, with one (1) one-year optional extension, subject to the availability of funds, and increase the compensation by \$100,000 for each contract year, for a total maximum amount of \$300,000.

The First Amendment has been reviewed and approved by the City Attorney as to legal form.

RECOMMENDATIONS

That the Board:

 Approve and authorize the Fire Chief to execute the First Amendment to Agreement C-137119 between the City and Sean D. Higgs to extend the term to provide certified athletic trainer services for one year, from October 13, 2020 through October 12, 2022, with one (1) one-year optional extension, and to increase the Board of Fire Commissioners Page 3

maximum compensation amount not to exceed \$100,000 for each contract year, for a total maximum amount not to exceed \$300,000, during the term of the Agreement.

- 2. Authorize the Fire Chief sole discretion to execute an amendment to extend the term of the Agreement, exercisable in a one-year increment, and to execute amendments regarding any modifications, additions or exclusions during the term of the Agreement, contingent on the availability of funds and the contractor having provided satisfactory services under the Agreement, and subject to review and approval by the City Attorney.
- 3. Transmit the Agreement to the Mayor for review and approval, in accordance with Executive Directive No. 3.

FISCAL IMPACT

Funding for the Amendment will be provided through a combination of a balance from the Innovation Fund (\$17,000) and the General Fund (\$83,000) as approved in the FY 21-22 Adopted Budget. The intent of the Early Intervention Treatment Program is to have the effect of reducing Workers' Compensation claims, and thus generate savings to the City.

Board Report prepared by Captain Brian Hammond, Risk Management Section.

Attachment

FIRST AMENDMENT TO AGREEMENT NO. C-137119 BETWEEN THE CITY OF LOS ANGELES AND SEAN D. HIGGS FOR CERTIFIED ATHLETIC TRAINER SERVICES

THIS FIRST AMENDMENT to Agreement No. C-137119 (hereinafter referred to as "Agreement") is made and entered into by and between the City of Los Angeles, a municipal corporation (hereinafter referred to as "City"), acting by and through the Los Angeles Fire Department (hereinafter referred to as "Department" or "LAFD"), and Sean D. Higgs, an individual (hereinafter referred to as "Contractor"), with reference to the following:

WHEREAS, the LAFD desired to develop and implement a pilot program called the Early Intervention Treatment Program (hereinafter referred to as "Program") that is aimed at providing treatment to firefighters for minor aches and pains before these medical issues become more serious, and result in workers compensation claims (Council File 18-1053); and

WHEREAS, in order to establish the Program, the LAFD required the services of a contractor who specializes in early symptom treatment intervention; and

WHEREAS, the City performed its Charter Section 1022 evaluation and determined that City employees do not have the expertise to perform the work of a certified athletic trainer to assist with the development and implementation of the Program; and

WHEREAS, on July 19, 2019, the LAFD issued a Request for Proposals (RFP) seeking a qualified certified athletic trainer to assist in the development and implementation of the one-year pilot Program; and

WHEREAS, the Contractor submitted a proposal in response to the RFP, and the LAFD determined that the Contractor possesses the qualifications and experience necessary to provide the services requested in that he received the highest score out of the eleven proposals that were evaluated; and

WHEREAS, the parties entered into an Agreement No. C-137119, from October 13, 2020 through October 12, 2021, for certified athletic trainer services; and

WHEREAS, although the LAFD has implemented the Program, additional time is required to obtain more data in order to better evaluate its success; and

WHEREAS, the parties now desire in this First Amendment to extend the term of Agreement No. C-137119 for one year, from October 13, 2020 through October 12,

2022, with one (1) one-year optional extension, subject to the availability of funds, and increase the compensation by \$100,000 for each contract year, for a total maximum amount not to exceed \$300,000.

NOW, THEREFORE, in consideration of the premises, representations, covenants and agreements provided below, the parties agree as follows:

1. TERM OF THE AGREEMENT, Subsection 2.1 is hereby amended to read as follows:

The term of this Agreement shall commence on October 13, 2020, and shall end on October 12, 2022, unless otherwise terminated earlier as provided in this Agreement.

2. TERM OF THE AGREEMENT, Subsection 2.3 is hereby added to read as follows;

The Board of Fire Commissioners has authorized the Fire Chief to extend the Agreement for a total of one (1) additional year, utilizing the amendment process described in Section PSC 5 of Exhibit B – Standard Provisions for City Contracts (rev. 10/17)[v.3]. Any amendment to extend the term of this Agreement is contingent on the availability of funds and the Contractor having provided satisfactory services under this Agreement.

3. COMPENSATION AND METHOD OF PAYMENT, Subsection 4.1.1 is hereby amended to read as follows:

The Contractor shall perform the requested services for an amount not to exceed Fifty-Seven Dollars and Seventy Cents (\$57.70) per hour during the period beginning on October 13, 2020 and ending three (3) years thereafter for the complete and satisfactory terms of this Agreement.

4. COMPENSATION AND METHOD OF PAYMENT, Subsection 4.1.2 is hereby amended to read as follows:

The total compensation for this Agreement shall not exceed One Hundred Thousand Dollars (\$100,000) for each contract year, for a maximum amount not to exceed Three Hundred Thousand Dollars (\$300,000), contingent on the availability of funds and the Contractor having provided satisfactory services.

Except as amended by this FIRST AMENDMENT, all other provisions of Agreement No. C-137119 shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives.

THE CITY OF LOS ANGELES

SEAN D. HIGGS

By: _____ Ralph M. Terrazas

By: _____ Sean D. Higgs

Date: _____

Date:

APPROVED AS TO FORM:

Fire Chief

MICHAEL N. FEUER, City Attorney

By: ____

_____ Kimberly D. Miera Deputy City Attorney

Date: _____

ATTEST:

HOLLY L. WOLCOTT, City Clerk

By: _____ Deputy City Clerk

Date:

City Agreement Number: C-137119-1