

Legal Counsel Approval 

RL15-192

Introductory No. R15-102

Permanent No. R15-103



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: October 7, 2015

Sponsored by Council Members: Papastrat, Mihalko, Berg, Matzo, Motsavage, Webb, Rennia

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT FOR ANTI-
HARASSMENT TRAINING

WHEREAS, the City of Binghamton wishes to enter into an agreement with Professional Business Associates (ProBizAssoc.com) for Anti-harassment training at a cost of \$11,775 plus possible additional travel time for special training, if necessary, in accordance with the attached proposal.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized and directed to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Professional Business Associates (ProBizAssoc.com) for Anti-harassment training in 2016 in accordance with the attached proposal, and that funds will be made available in the 2016 budget.

Introductory No. R15-102

Permanent No. R15-103

Sponsored by City Council Members:
Papastrat, Mihalko, Berg, Matzo
Motsavage, Webb, Rennia

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT FOR ANTI-
HARASSMENT TRAINING**

The within Resolution was adopted by the Council of
the City of Binghamton.

10/21/15
Date

[Signature]
City Clerk

10/22/15
Date Presented to Mayor

[Signature]
Date Approved
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

I hereby certify the above to
be the resolution adopted by
the City of Binghamton as
shown on 10/21/15. Appro.
[Signature]

[Signature]

ProBizAssoc.com

124 Manor Ave SW / Canton, OH 44710 / USA
330.705.0938 (cell) / 216.706.4542 (fax)
bphilley@ProBizAssoc.com

9/22 -
Beth -
Investigating
\$600 - develop
\$300 - present
+ travel needed

City of Binghamton
Board of Contract & Supply / Department of Purchasing
38 Hawley Street
2nd Floor - City Hall
Binghamton NY 13901-3776

RE: RFP for Sexual / Anti-Harassment / Retaliation Training

08 September 2015

Dear Sir / Madam:

Enclosed please find my response to the subject solicitation. My company has been in business since 2005, and has been providing curriculum development and training delivery services since 2007.

I am offering to provide the city with a two-hour training on sexual harassment and retaliation, to be repeated multiple times on various shifts for a total of 500 - 600 attendees.

If a contract is offered, I will provide all services detailed in the attached proposal. The pricing contained in this proposal is firm and fixed for any contract executed on or before 31 December 2015.

I have received and read the entire solicitation and will comply with all terms and conditions therein.

As a sole proprietorship and micro-enterprise, ProBiz has only one authorized representative: me. My contact information is shown above.

I appreciate your time and consideration in reviewing my proposal.

Sincerely,


Beth F. Philley
President

PROBIZ RESPONSE TO BINGHAMTON ANTI-HARASSMENT TRAINING

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City of Binghamton

Sexual / Anti-Harassment / Retaliation Training

Proposal

from

ProBizAssoc.com

Submitted 08 September 2015

by

Beth F. Philley
President

This proposal and the pricing incorporated herein are valid for any contract executed on or before 31 December 2015.

All terms and conditions as set forth in the RFP are accepted without modification.



ProBizAssoc.com

Beth Philley, President

124 Manor Ave SW

Canton, OH 44710

330-705-0938

bphilley@ProBizAssoc.com

DUNS # 193346728

CAGE Code: 45NQ8

EDWOSB # 13015

Table of Contents

Contractor Identification	5
Executive Summary	5
Project Team	5
Training Expertise	6
Past Performance / References	6
Work Plan	8
Suggested Schedule	9
Quality Control Plan	10
Agreements, Representations & Attestations	11
Appendix 1: Capability Statement	12
Appendix 2: Resume	13
Appendix 3: Sample Course Synopsis	14
Appendix 4: Sample Verification Form	15
Appendix 5: Hold Harmless Agreement	16
Appendix 6: Form of Proposal	17

Contractor Identification

Company Name: ProBizAssoc.com
 Company Address: 124 Manor Ave SW / Canton, OH 44710 / USA
 Company Business Size: Small business under any definition of the word
 Company Demographics: Certified by the SBA as an EDWOSB
 CAGE Code: 45NQ8
 DUNS Number: 193346728
 Point-of-Contact (POC): Beth Philley (SSN 290-46-0045)
 Phone Numbers: 330.705.0938 (cell) / 216.706.4542 (fax)
 E-mail: bphilley@ProBizAssoc.com

Executive Summary

ProBizAssoc.com has been developing curricula and presenting engaging, informative workshops both live and online for a wide variety of government agencies and private companies nationwide for nearly 10 years. Company president Beth Philley is known for her fast-paced, humorous presentation style, as well as for providing interactivity and useful handouts that assure maximum transfer of knowledge.

The ProBiz mission is to utilize an interactive educational environment that provides professionals a safe forum in which to learn and practice new skills designed to improve their performance and effectiveness on the job.

ProBiz is ready, willing, and able to customize course content to meet the city's needs and requirements. The company's capability statement is found at Appendix 1.

Company president Beth Philley relies on 15 years of experience as a supervisor at two Fortune 500 companies and 9 years of experience as a small business owner, as well as on rigorous research, to provide evidence-based solutions, customized to meet consumer needs. Her resume may be found at Appendix 2.

ProBizAssoc.com is committed to cultural, ethnic, and generational diversity, the highest standards of ethics, a drug-free workplace, and sustainability. By submitting this proposal, ProBizAssoc.com implicitly agrees to all terms incorporated in the solicitation documents.

Project Team

Company president Beth Philley will be the only person working on this project. Her resume is attached as Appendix 2. She has extensive knowledge in training for adult learners, as follows:

- Approved as a trainer by the Institute of Human Services since 2010.
- Approved as a continuing education provider by the Association of Social Work Boards (2014 - 2015)
- Works full-time as an independent training provider for government agencies and private companies internationally on a wide variety of leadership topics.

Past Performance / References

United States Department of Labor / Office of Workers' Compensation: Developed and delivered 1-day training workshop to non-supervisory personnel on the topic of leadership. Modules included: Diversity, Trust-Building, Team-Building, Ethics, Learning Styles, and Communication. (July, 2015). Contract # OWCP2015 / Amount: \$1,562.51

Contact: Betty Jo Strickland
US Department of Labor / OWCP
400 West Bay St.
Jacksonville, FL 32202
904-366-0507 / Strickland.betty@dol.gov

United States Navy / Fleet & Family Services: Developed and delivered 2-day training workshop to a diverse group of trainers supporting Navy families. Modules included course design, classroom management, diversity, and podium techniques. (July, 2015). Contract # N00189-15-T-0191 / Amount: \$5,500

Contact: Phillip Hinnant
United States Navy FFSC
CNREURAFSWA / CBPO Naples
PSC 817, Box 58
FPO AE 09622-0058
Phillip.Hinnant@eu.navy.mil

Department of Homeland Security / National Records Center: Developed and delivered 2-day training to new supervisors. Modules included: Strategic Thinking, Creative / Innovative Problem Solving, Social / Emotional Intelligence, Influencing Others. (May, 2015). Contract #: HSSCCG-14-P-00197 / Amount: \$6,180

Contact: Sandra Guerrant, Mission Support Specialist & NRC Training Coordinator
US Citizenship & Immigration Services / National Records Center
150 NW Space Center Loop
Lee's Summit, MO 64064
816-350-5610 / Sandra.K.Guerrant@uscis.dhs.gov

United States Army Reserves: Developed and delivered 10 hours of training to mid-grade and senior grade Army officers. Modules included: Effective Communication Skills, Conflict Resolution, Building Trust, Credibility, & Respect, Innovation in the Workplace, Delegation Techniques, Defining Performance, and Handling Mistakes. (February, 2015). Contract # W912CN-15-P-0039 / Amount: \$4,750

Contact: LTC Herman Troy, Chief of Training (G7)
9th Mission Support Command
1557 Pass St.
Honolulu, HI 96819
808.438.1600 x3148 / Herman.troy.mil@mail.mil

United States Marine Corps: Developed and delivered 24 hours of training to Marine Corps Special Operations Element Leaders (E-5 to E-7). Modules included: Decision-Making Models, Active Listening & Communications, Professional Written Communications, Professional Speaking, and The Art & Science of Negotiation. (January, 2015). Contract # H92257-15-P-0049 / Amount: \$3,500.

Contact: MSgt Andy Desmond
3D MSOB
H Street
Camp Lejeune, NC 28542
910.450.6528 / Andrew.desmond@socom.mil

United States Air Force: Developed and delivered training courses on the topics of Engaging Millennials in the Workforce, Managing Millennials, and Facilitating the Millennials Workshops. (November, 2014). Contract # FA4452-14-P-0010 / Amount: \$32,800

Contact: MSgt. Joseph Bogdan
351 Travis Ave. Bldg. 660
Travis AFB, CA 94535
707.424.4337 / Joseph.bogdan.1@us.af.mil

Ohio Child Welfare Training Program / Institute for Human Services: Develop and deliver live training courses to foster parents and social workers in several areas of child welfare including bullying and sexual violence. (Ongoing partnership since 2011.)

Contact: Kelley Gruber
1706 E Broad St
Columbus, OH 43203
614.251.6000 / k.gruber@ihs-trainet.com

CE-Classes.com: Write examination questions for continuing education online courses in the areas of psychology, counseling, social work, and nursing, based on peer-reviewed journal articles provided by client. Content is extremely technical in nature. (Ongoing partnership since 2008.)

Contact: Toni DiDona
1275 Fairfax Ct.
Weston, FL 33326
954.290.8446 / toni@ce-classes.com

Work Plan

ProBiz will meet telephonically with the city's designee(s) soon after bid award to finalize logistics and expectations. Following this kick-off meeting, ProBiz will design a customized curriculum to meet the city's needs and requirements.

Course design will conform to current adult learning theory by presenting information in all four learning modes: Visual, Auditory, Read / Write, and Kinesthetic. The curriculum will include interactive elements such as games, role plays, and case studies, designed to illustrate key topics and to keep learners engaged and focused on the topic at hand. A proposed synopsis for the course is presented at Appendix 3. This outline will serve as the basis from which the city's course will be customized.

ProBiz will provide all labor, equipment, and materials to teach a 2-hour workshop entitled *Sexual Harassment and Retaliation* suitable for adult students with a high school education, but no particular knowledge of the topic. Each iteration of the course will be held in at the city's facilities. The workshop will be offered as many times as needed on all shifts in order to include all participants. ProBiz suggests that two meetings be held on each shift, on separate weeks, then makeup sessions should be held a month or so later, to incorporate employees from all departments who were unable to make the original meetings. A proposed schedule is presented below.

ProBiz will provide a laptop computer, speakers and an LED projector to enable presentation of A/V materials by the instructor. ProBiz will provide all course materials for participants, including handouts, reference materials, and assessments.

At the conclusion of the workshop, each participant will be asked to complete an evaluation survey designed and provided by ProBiz. Attendance sheets and evaluation surveys will be forwarded via e-mail to the city's designee, to be received no later than the fifth working day following the course. Feedback from each course will be used to guide continuous improvement for any remaining iterations of the course.

Every participant will be asked to sign a verification of training form and will be given a certificate of completion at the conclusion of the course. See a sample verification form at Appendix 4.

Support Requirements

The city will provide a training room equipped with one pad of flip chart paper and an easel for each workshop. If a blank wall is not available for projection, the city will provide a projection screen or white board.

Suggested Schedule

Week 1	Department	Shift	Time
Mon	Council, City Hall	1	Late morning
Mon	Fire, Police	1	2 hours before end of shift
Mon	Fire, Police	2	Just after shift change
Tues	Fire	3	2 hours before end of shift
Tues	Fire	4	Just after shift change
Weds	Police	3	2 hours before end of shift
Weds	Public Works, Parks, Water, Sewer	1	2 hours before end of shift
Weds	Public Works, Parks, Water, Sewer	2	Just after shift change
Week 2	Department	Shift	Time
Mon	Police	3	Just after shift change
Mon	Public Works, Parks, Water, Sewer	1	2 hours before end of shift
Mon	Public Works, Parks, Water, Sewer	2	Just after shift change
Tues	Fire	3	2 hours before end of shift
Tues	Fire	4	Just after shift change
Weds	Police, Fire	1	2 hours before end of shift
Weds	Police, Fire	2	Just after shift change
Weds	Council, City Hall	1	Early afternoon
Week 3	Department	Shift	Time
Mon	Make-ups as needed	3	Just after shift change
Tues	Make-ups as needed	1	2 hours before end of shift
Tues	Make-ups as needed	2	Just after shift change
Weds	Make-ups as needed	4	Just after shift change

Schedule subject to change based on actual shift change times.

0/0
 April 4
 11
 18

Quality Control Plan

ProBiz understands the importance of completing this project according to the contracted timeline and of meeting the city's organizational goals. ProBiz has an affirmative duty to meet these goals and thus establishes the following Quality Control Plan for this project.

1. **Timeline Attainment:** The maximum allowable defect rate on this parameter is 0 defects for the life of the project. If ProBiz performance produces more than 0 defects, the city will deduct 2% from the agreed-upon module price for any modules which were late. No deduction will be taken for any module where the city is delinquent in providing necessary input into the development process.
2. Based on agreed-upon program objectives, ProBiz will provide a Course Evaluation to all students at the end of each workshop. Each item will be ranked on a Likert Scale from 1 – 5. Any evaluation item with an aggregate average of scores lower than 3.0 will be considered deficient. The maximum allowable defect rate in this area is 10% per module, after which the city will take a 5% deduction from the agreed-upon rate for that module. (i.e. if 10% or more of the evaluation questions for a specific course module have an aggregate average score lower than 3.0, the deduction may be taken.)

Please note: Deductions are not taken from total contract price, but rather from the price associated with developing and / or presenting a specific module. (i.e.: travel costs, course material costs, consulting fees, licensing fees, assessment scoring fees, and other fees not associated with the actual production and presentation of training workshops are not subject to performance discounts based on timeliness or quality defects.)

Agreements, Representations & Attestations

Agreement with Terms and Conditions

ProBiz implicitly agrees with all terms and conditions as stated in the solicitation.

Conflict of Interest Statement

No one in any way affiliated with ProBizAssoc.com is an employee of the city or any of its affiliated agencies.

e-Verify

ProBizAssoc.com participates in the federal e-Verify program. Company ID number 771160.

Affirmative Action Plan Statement

ProBizAssoc.com is committed to the highest ethical standards of affirmative action. The state of Ohio has certified that ProBizAssoc.com conforms to the expected standards of affirmative action.

Drug-Free Workplace

ProBizAssoc.com maintains a drug-free workplace.

Sustainability

ProBizAssoc.com envisions a world where our services are provided with the smallest possible impact to the planet.

Debarment

ProBizAssoc.com has never been debarred, suspended, or otherwise eliminated from consideration for a contract due to malfeasance, criminal acts, or unethical practices.

Insurance

Insurance certificates for business liability and car coverage will be provided upon request.

EDWOSB

ProBizAssoc.com has been certified as an economically-disadvantaged woman-owned small business by the US Small Business Association. Certification Number: EDWOSB13015 / Expiration Date: 10/14/2015.

Copies of policies and certifications in support of the information presented on this page are available upon request.

ProBizAssoc.com

Capability Statement

Founded as a sole proprietorship in 2005, ProBizAssoc.com has developed and presented curricula for both web-based and live training workshops on a wide variety of topics for clients around the world. Strong research skills allow the development of courses that promote evidence-based solutions customized to meet client needs, while an interactive, humorous presentation style keeps adult learners engaged.

Contact

Beth Philley, President
 ProBizAssoc.com
 124 Manor Ave SW / Canton, OH 44710
 Cell: 330.705.0938 / Fax: 216.706.4542

www.ProBizAssoc.com
bphilley@ProBizAssoc.com

DUNS Number

193346728

CAGE Code

45NQ8

NAICS Codes

541611, 611430*, 611710
 (*primary)

WOSB / EDWOSB

Certification Number: EDWOSB13015
 Expiration Date: 10/14/2015

Core Competencies

- Writing and presenting relevant, interactive training workshops
- Providing well-researched, evidence-based solutions
- Adhering to the highest ethical standards
- Celebrating diversity

Differentiators

- Approved: Continuing education provider for the Association of Social Work Boards (Provider #1266).
- Experienced: 15+ years of real-world business management for Frito-Lay and American Electric Power, plus small business ownership since 2005.
- Educated: Master of Arts degree in management.
- Client-focused: you are always dealing with the person in charge.
- Fun: Workshops are engaging, designed to maintain attention and focus of participants throughout.
- Certified: Economically and socially disadvantaged (State of Ohio EDGE) and LGBT owned (NGLCC).

Past Performance



Ms. Betty Jo Strickland
 US Dept of Labor / OWCP
 Jacksonville, FL
 904.366.0507

Strickland.betty@dol.gov
 July, 2015
 Live Leadership Training



Mr. Phillip Hinnant
 US Navy / FFSC
 Naples, Italy

Phillip.Hinnant@eu.navy.mil
 July, 2015
 Live Train the Trainer



Ms. Sandra Guerrant
 US Citizenship & Immigration Svcs
 Lee's Summit, MO
 816.350.5610

Sandra.K.Guerrant@uscis.dhs.gov
 May, 2015
 Live Leadership Training

Beth F. Philley
 124 Manor Ave. SW ~ Canton, OH 44710
 (330) 705-0938

Goal

My goal is to improve companies' profitability by providing affordable, yet superior curriculum development and training delivery services on a freelance / contract basis. I am committed to reasonable pricing, exceptional service, complete confidentiality, and a 100% money-back guarantee.

Summary of Qualifications

I am a highly motivated, creative professional with over 25 years' experience in the business world. I specialize in innovative solutions leading to improved profitability. I have an excellent record of outstanding customer service and am especially skilled at training/coaching and writing.

Professional Highlights

Professional Business Associates

- Provide training, copy writing, and marketing services to companies and agencies internationally.
- Wrote "Business in a Box" series for Able Consulting (entrepreneurial advice)
- Develop curricula / train foster parents & social workers for Ohio Child Welfare Training Program

American Electric Power

- Implemented new process to deal with returned checks, collecting \$900,000 in six months.
- Led project team to reduce delinquency by 25% in 8 months
- Reorganized department to allow 82% increase in workload with no additional staff
- Implemented process improvement for disconnect notices, saving over \$100,000 annually
- Resolved more than 700 PUCO referrals to avoid escalation to formal complaints
- Resolved billing disputes with two major customers, collecting over \$200,000
- Trained work team on new processes and procedures

Metromedia Steakhouses, LLC

- Audited steakhouses and vendors for conformance to quality, service, and cleanliness standards
- Provided training to employees regarding standards
- Coached one of my steakhouses to 2nd place in a national competition for standards attainment

Frito-Lay, Inc.

- Supervised over 100 union employees on each of three shifts
- Prepared budget for entire plant & monitored financial performance throughout the year

Employment History

Professional Business Associates ~ August, 2005 - present

American Electric Power ~ October, 1994 – March, 2014

- Supervisor Field Communications ~ June, 2000 – March, 2014
- Credit & Collection Associate ~ February, 1998 – June, 2000
- Customer Services Assistant ~ October, 1994 – January, 1998

Metromedia Steakhouses ~ June, 1991 – June, 1994

- Restaurant Auditor / Vendor Auditor

Frito-Lay, Inc. ~ 1988 – June, 1991

- Plant Administrative Manager / Shift Supervisor

Education

MA – Management

- Antioch University, Yellow Springs, OH

BS – Life Sciences

- Kent State University, Kent, OH

Proposed Course Synopsis

Sexual Harassment & Retaliation

Trainer: Beth Philley

Workshop Description

This 2-hour workshop reviews the laws regarding sexual harassment with employees from all levels of an organization. Prohibited actions, words, and behaviors are discussed and demonstrated. Role plays and case studies are used to illustrate the concepts.

Learning Objectives: Upon completion of this 2-hour workshop, participants will be able to:

- Recognize words, actions, and behaviors that are considered harassment
- Discuss federal, state, and local sexual harassment laws, as well as the organization's sexual harassment policy
- Outline the steps of the organization's complaint and investigation procedures

Workshop Outline

Welcome and Introductions

The Laws

- Federal Civil Rights Act of 1964 (Section 703)
- New York State Human Rights Law
- Binghamton Human Rights Law

Types of Sexual Harassment – Prohibited Actions

- Quid Pro Quo: getting something in return for something
- Hostile environment

Who's harassing whom?

- Male to female
- Female to male
- Same gender

Where's the line? - game

- "Nice pants" vs. "Your a\$\$ looks great in those pants."
- What if she's "asking for it"?

Examples of harassment – role plays

Reporting harassment – guided discussion

- How?
- Who?
- Barriers

Examples of retaliation – role plays

Vignettes

Prevention: protecting yourself and your organization

Wrap-up, Evaluations, and Certificates

Sample Verification Form

Training Verification Form

I acknowledge that on this date, I attended a training course entitled *Sexual Harassment and Retaliation*.

I understand my organization's policy on sexual harassment.

I also understand that:

1. I have a right to work in an environment free from sexual harassment.
2. I have the responsibility not to engage in behaviors or use words that constitute sexual harassment.
3. If I feel I am being harassed, I have the right and the responsibility to communicate this directly to the appropriate party, and I understand how to do so.

Signature

Printed Name

Department

Date Signed

PROBIZ RESPONSE TO BINGHAMTON ANTI-HARASSMENT TRAINING

Appendix 5

HOLD HARMLESS AGREEMENT

The Contractor, individual, and / or organization agrees to be responsible for all damages resulting from mental and physical bodily injury, including death, at any time resulting from, and / or for all damages arising out of, injury to, or destruction of property due to his/her/its activities or the activities of his/her/its agents, employees, partners, and participants arising out of or resulting from any act or omission in connection with the use of operation of any programs, events, or activity of the applicant, individual, or organization on City of Binghamton premises; to provide an insurance certificate naming the City as an additional insured, representing a policy providing a limit of \$2,000,000.00 aggregate bodily injury liability, and a minimum of \$1,000,000.00 each occurrence and does hereby expressly agree to indemnify and save harmless City of Binghamton from all claims, suits, actions, judgments, damages, attorney fees including the cost of legal defense, and cost of every name and description to the extent not covered by the applicant's, individual's, or organization's insurance, if any, arising out of or resulting from any act or omission in connection with such use, operations, or activities; it being understood that this is an undertaking of indemnity only and is not to be construed as an undertaking or obligation to pay for claims for which there would not otherwise be a remedy in law.

This agreement shall continue in effect from 08 September 2015 to completion of contracted work.

IN WITNESS THEREOF: Beth F. Philley has caused this instrument to be signed by a duly authorized officer of ProBizAssoc.com on the 8th day of September 2015.

Beth Philley
Signature

STATE of OHIO
COUNTY of STARK: ss.

On this 8th day of September 2015, before me personally appeared Beth F. Philley, to me personally known, who being by me duly sworn, did depose and say that she is the president of the organization described in and which executed the within instrument.



Mina Buonocore
Notary Public

Commission expires 9-4-2016

FORM OF PROPOSAL
Sexual / Anti-Harassment / Retaliation Training

Cost per Session for Training \$250, plus travel as shown below
(Includes all training materials)

Cost per Day (3 sessions) for Training \$700, plus travel as shown below
(Includes all training materials)

Cost for a lump sum charge for all training sessions \$10,875, All In
(Includes all training materials, travel, and per diems, assuming three trips
with Sunday / Thursday travel days, as laid out in proposal.)

Travel:

Round-trip coach airfare between Akron-Canton (preferred) or Cleveland and Binghamton, NY,
including luggage fees for 2 checked bags, not to exceed \$500 per trip.

Rental car, intermediate size or above, including taxes and fuel, not to exceed \$100 per day.

Lodging, 3-star or better hotel, including taxes and fees, not to exceed \$150 per night.

Per Diem, including meals, tips, tolls, and miscellaneous, at \$75 per day.

