



500 West Big Beaver
Troy, MI 48084
troymi.gov

J-05

CITY COUNCIL AGENDA ITEM

Date: May 30, 2019

To: Mark F. Miller, City Manager

From: MaryBeth Murz, Purchasing Manager
Jeanette Menig, Human Resources Director
Frank Nastasi, Police Chief

Subject: Bid Waiver – Professional Services – Police Department Testing Services

History

The Police department is anticipating a planned retirement of a Captain in June of 2019, creating a vacancy in this classification. The vacancy will cause a need for a promotional exam to be held for the Captain position and a Lieutenant position since each vacancy is filled from the lower rank.

Act 78 Civil Service requires that the vacancy be filled by competitive examination and that an eligible list, based on cumulative test score, be established. Upon Act 78 certification, these lists would remain valid for two years. A valid eligible list exists for the Sergeant position; which expires in September of this year.

Purchasing

Since 1990 *Empco, Inc.* has provided promotional testing services for the police department. The department has been part of *Empco's* Metro Police Testing Consortium since 1996. *Empco* has provided excellent service and the department is very satisfied with the manner in which they conduct promotional testing. *Empco* customizes the testing to meet the needs of the organization and comply fully with Act 78 Commission requirements. They have proven to be fair and impartial. *Empco* purchased the Michigan Municipal League's (MML) police testing service. The MML now refers those desiring testing to *Empco*. *Empco* provides promotional and entry level testing for numerous police departments and agencies around the state, and is a local company based here in Troy.

Financial

The total cost for the promotional testing depends upon the number of candidates taking the examinations. The fee structure below is an estimate based on the number of candidates that have applied for the position in the past. See below for *Empco, Inc.* pricing as detailed in the attached proposal for this testing.

There is currently sufficient funds available in the Police Department Administrative Contractual Services budget for these services.

Mileage and travel expenses would also be billed as they occur, at \$0.55 per mile.



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CITY COUNCIL AGENDA ITEM

Captain Process

(Based on 5 candidates)

	Cost
Development Fee	\$5,000.00
Admin Fee per day @ \$2,200 (x 1 day)	\$2,200.00
Per Candidate Fee @ \$300.00 (x 5)	\$1,500.00
Total	\$8,700.00

Lieutenant Process

(Based on 10 candidates)

	Cost
Development Fee	\$5,000.00
Admin Fee per day @ \$2,200 up to 5 candidates per day (x 2 days)	\$4,400.00
Per Candidate Fee @ \$300.00 (x10)	\$3,000.00
Total	\$12,400.00

Recommendation

It is recommended that City Council in the best interest of the City approve the bid waiver and contract for Professional Services (Police Department Promotional Testing) from *Empco, Inc. of Troy, MI* for an estimated amount of **\$21,100.00**. It is also recommended that City Council approve the *ongoing* use of *Empco, Inc. of Troy, MI* for Police Department Promotional Testing on as needed basis.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

Date

Proposal for City of Troy

Police Captain
Promotional Process

Proposal Submitted by:



Submitted:
January 2019

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Proposal for The City of Troy

Thank you for the opportunity to submit a proposal for your upcoming promotional process for Police Captain. Our proposal covers the development and administration of the process as you requested.

About Empco

Empco was incorporated in 1985 and is located in Troy, MI. Empco, Inc. specializes in employment relationships with an emphasis on testing and evaluations in the public sector. Our focus is on entry level and promotional assessments for public safety and municipal positions.

In 1987, Empco began conducting promotional testing for police departments in Michigan. From our offices in Troy, we have grown into the largest firm in the state providing promotional testing to law enforcement and the fire service. Empco also services municipal agencies and sheriff's offices in states throughout the nation.

Empco, Inc.
1740 W. Big Beaver Rd.
Suite 200
Troy, MI 48084
Phone: 248-528-8060
Fax: 248-526-7274
Web site: www.empco.net
E-mail address: info@empco.net

Experience and Qualifications

Empco conducts assessment centers, oral boards and written examinations for hundreds of agencies across the United States. In this, we test thousands of candidates each year.

Empco's specialization in testing for municipal and county positions give us the expertise to accommodate nuances that come with limited budgets, collective bargaining agreements, and various governing bodies and laws. Our size gives us the ability to provide excellent customer service. We pride ourselves on the relationships we have built. It must be recognized that current clients, who use our examination services annually, could switch to another vendor if our results did not only satisfy the agency's needs, but also the need for fairness among test takers. We keep our clients, and the number continues to grow because of a reputation for integrity and fairness in our examinations. At Empco, we put integrity before profit.

Job Analysis

Empco conducts a job analysis before developing any assessment. The job analysis includes meetings with subject matter experts and those persons in a position to fully understand the requirements of the job. Empco will also administer surveys about the position to these individuals.

Empco will analyze the information collected during these meetings and through the surveys. We will also examine the job description for the position, as well as any job analyses previously conducted.

The information gathered in the job analysis will be used as the basis for any assessment and is included as part of the validation of the exam.

Assessment Centers

Empco's assessment centers are designed to measure the knowledge, skills and abilities (KSA's) critical for successful performance in such jobs. These include up to 15 behavioral attributes such as: oral and written communication, problem solving, decision making, organization, planning, administrative and operational skills, staff development, supervision, analytical thinking and reasoning, etc. The job analysis, as well as information from subject matter experts in the agency, will determine the actual dimensions to be measured by the assessment center for each specific rank.

Empco's assessment centers are developed in accordance with the *Guidelines and Ethical Considerations for Assessment Center Operations (2015)*, International Taskforce on Assessment Center Guidelines. These guidelines establish specific requirements and procedures for conducting assessment centers. The following description of Empco's assessment center structure and procedures reflect the requirements of these guidelines. Following these guidelines will ensure that your agency meets any contractual obligations to conduct an assessment center as well as making the test reliable and defensible.

Empco has four exercise types that are typically used in assessment centers. The specific job-related exercises that will be used in a custom assessment center will be developed by Empco after consultation with subject matter experts in the agency and examining the results of the job analysis for each position. Empco uses between three and five exercises for each assessment center. The following are the typical exercise types Empco uses:

Interview Exercise: Candidates are asked to make a brief presentation describing themselves, their accomplishments, goals and other related issues - an outline of suggested topics is provided at the orientation. Each candidate is then asked a series of career and job-related questions and given a scenario(s) to solve. The same questions/scenarios are asked of each candidate. Actual agency issues are incorporated into the exercise.

Oral Presentation Exercise: Candidates are given a particular subject at the orientation and asked to prepare and deliver an oral presentation to a group such as the city council, concerned citizens, etc., (in reality - the assessors). Generally, an actual agency issue is incorporated into the exercise.

In-Basket Exercise: Candidates are given a number of written situations, which might typically be found in the "In-Basket" of the job being filled. Candidates are asked to complete and submit their solutions to these in-basket items within a specific time.

Role-Play Scenario Exercises: Candidates are presented with unannounced situations from the job being sought. They are required to interact with an individual (an Empco associate playing the role of a subordinate, city council person, etc.) while being evaluated by our panel of assessors. The scenarios are job-related.

Assessors

Empco's standard practice is to provide the assessors for assessment center exercises. All assessors will be those regularly used by Empco and are therefore trained in how Empco evaluates and scores candidates. This panel will evaluate all candidates to ensure reliability of ratings. Assessors are drawn from non-contiguous agencies and have no prejudicial knowledge of the candidates.

If the agency, either by contract or by budget, requires that assessors other than those generally used by Empco need to serve as assessors, this can be accommodated. However, additional time is built into the schedule for assessor training. It is imperative that all assessors understand the importance of, and how to conduct, objective evaluations using our rating forms. Fees for assessment centers utilizing assessors other than those on Empco's roster will be determined based on the specific needs of the client.

Candidate Orientation

Empco will conduct an orientation for all candidates participating in an assessment center. During this orientation, Empco will explain the assessment process -- what candidates should expect and how the candidates will be evaluated. The agency is responsible for providing adequate facilities to accommodate the orientation and will be responsible for notifying all candidates as to the date, time and location of the orientation. When candidates for a position are not local (an agency is seeking outside applicants), the orientation can be conducted over the phone or by video conference.

Candidate Feedback

Empco will provide all candidates that participate in the assessment center the opportunity to receive feedback on their performance in each exercise. Candidate feedback sessions must take place within two months of the completion of the assessment. Candidates are responsible for contacting the Empco office to schedule their own feedback session. Feedback sessions are confidential and are done as an opportunity for candidates to learn how to improve on future assessments and, more importantly, how they can work to improve their management skills on the job.

Scheduling and Billing

Empco requires a minimum one month development period. The specific dates and times of each aspect of the test development and administration will depend on the availability of representatives from the agency, and how quickly surveys are completed. Final candidate counts must be given to Empco two weeks prior to the assessment. The agency will be billed for the number of candidates given at this time. Assessment centers cancelled less than three weeks prior to the assessment center will result in the client be billed the development fee for the assessment center. Reduction in the number of days for the assessment center less than two weeks prior to the assessment center will result in the client being billed \$1000 for the cancelled day(s).

Scoring

Empco will consider reliability and adverse impact in determining the cut off scores for passing the assessment. Final scores will be reported after these analyses have been completed.

Empco will provide agencies with scores on assessment centers within one week of the assessment completion. Scores can be reported in multiple formats, but always as a percentage of 100 percent.

Agency Requirements

Empco requires that the agency provide adequate facilities for all orientations, written exams, oral boards, assessment centers, and review sessions (if applicable). The agency is responsible for making sure these facilities provide adequate space and layouts conducive to the activities that will be held in the space. Empco asks that the agencies provide lunch to Empco assessors and facilitators for all oral boards and assessment centers. The agency is also responsible for notifying all candidates of the dates and times of orientation, feedback sessions (if applicable), and testing dates, as well as providing the candidates with a copy of the bibliography for the written exam. The agency will need to provide Empco with a copy of all job analyses and job descriptions for the position, and make subject matter experts available to Empco if additional job analysis information needs to be conducted. Empco also requires the agency to provide all local content materials for written exams and allow Empco use of a copy machine during the assessment center process.

It is the agency's responsibility to notify candidates that recording devices of any kind, including agency issued body cameras, are strictly prohibited at all orientations, written exams, oral boards, and assessment centers. If a candidate is wearing any of these devices upon arriving at the testing facility, they will be asked to turn the device off and remove it from the testing areas. Use of a recording device during written exams, oral boards, or assessment centers will be considered cheating and will be handled according to the agency's discipline policy.

The agency must notify Empco of any additional requirements when scheduling a testing process. Those additional requirements could be dictated by agency policy or collective bargaining agreement and include, but are not limited to, specific cut scores, candidate reviews and candidate challenge periods. Additional fees may apply.

Project Team

Kendra Royer, President

Dr. Kendra Royer holds a Master's degree and a Doctoral degree in Industrial/Organizational Psychology. She has worked as a public safety consultant since 2001 and has been with Empco since 2005. Her expertise is in the development and validation of employment testing. As President, Kendra oversees the development of all assessment processes. She ensures that all Empco products are valid and reliable and consistent with industry standards.

Charles Castle, Director of Marketing and Project Management

Charles Castle is the retired Police Chief from Southgate, Michigan. Chuck has 31 years of law enforcement experience and has worked for Empco since 2005 in a consulting capacity. He holds a Bachelor's Degree in Criminal Justice from Madonna University where he is on staff as an adjunct Criminal Justice instructor. Chuck obtained his Master's Degree in Criminal Justice from Wayne State University and is an active volunteer mentor for students in WSU's CJ program. As Director of Marketing and Project Management, Chuck will administer and

facilitate all aspects of the assessment process. He will utilize his experience in law enforcement to provide insight into the development of the assessment tools.

In addition to the Empco team members listed above, Empco works regularly with over 50 independent contractors to develop written examinations and act as assessors on oral boards and assessment centers. These contractors are experts in the area of public safety.

References

Empco, Inc. conducts assessment centers, oral boards, and written exams for hundreds of agencies each year. The following are a sample of agencies that we are currently doing work for or that we have recently completed work:

Dearborn, MI Police Department	
Contact:	Tracy Duncan Human Resources Senior Analyst City of Dearborn (313) 943-2130 tduncan@ci.dearborn.mi.us Dates of Service: 2004 to Present
Project:	Empco conducted assessment centers for the rank of Police Sergeant. Empco introduced the assessment centers to the department and conducted several meetings and training sessions to ensure that the department was well informed of what assessment centers were, and to develop a promotional process that reflected the needs of the department. This was done by conducting meetings with subject matter experts and conducting job analyses for each rank. In addition, we designed and conducted written examinations for Police Sergeant and Lieutenant.
Lansing, MI Police Department	
Contact:	Cherie Ballor Captain Lansing Police Department (517) 483-4647 cballor@lansingmi.gov Dates of Service: 2002 to present
Project:	Empco develops and conducts assessment centers for the ranks of Police Captain and Lieutenant. Empco also develops and administers oral boards and written examinations for Detective and Sergeant. All assessment centers, written exams and oral boards are based on extensive job analyses conducted for each rank.

Madison Heights, MI Police Department	
Contact:	Amy Misczak Human Resources Director (248)837-2609 amymisczak@madison-heights.org
Project:	Empco facilitates both hiring and promotions for the Madison Heights Police Department. Empco develops and conducts assessment centers for the ranks of Police Lieutenant and Chief and develops and conducts oral boards for the rank of Sergeant. Empco also develops and administers written exams for Sergeants and Lieutenants. Madison Heights also utilizes our Law Enforcement Testing System to create eligibility lists for entry level positions. Empco also develops and facilitates oral boards for these entry level positions.

Southfield, MI Police Department	
Contact:	Lauri Siskind Human Resources Director City of Southfield (248) 796-4708 lsiskind@cityofsouthfield.com Dates of Service: 1999-present
Project:	Empco has conducted written exams and assessment centers for various ranks in the Police Department. Custom written exams are designed for the Police Department including: Sergeant, Lieutenant, and Police Specialist. Empco has also designed and administered an assessment Center for the Deputy Police Chief.

Southgate, MI Police Department	
Contact:	Jeff Smith Director of Public Safety Southgate Police Department (734) 258-3060 smitty082@yahoo.com Dates of Service: 2002 to present
Project:	Empco designs and conducts assessment centers, oral boards and written exams for the Police Department. Custom written exams and oral boards are regularly conducted for Lieutenant. Assessment Centers are designed and administered for Police Chief and Deputy Police Chief.

Sterling Heights, MI Police Department	
Contact:	Kate Baldwin Human Resources Manager City of Sterling Heights (586) 446-2316 kbaldwin@sterling-heights.net Dates of Service: 1990 to present
Project:	Empco regularly designs and conducts custom written examinations, oral boards and assessment centers for all promotions in the Sterling Heights Police Department from Sergeant to Chief.

Legal Standards

In developing all exams, Empco, Inc. followed the legal and ethical guidelines put forth in:

- *Americans with Disabilities Act of 1990.*
- *Civil Rights Act of 1991.*
- *Guidelines and Ethical Considerations for Assessment Center Operations (2015)*, International Taskforce on Assessment Center Guidelines.
- *Principles for the Validation and Use of Personnel Selection Procedures*, 4th edition (2003), Society of Industrial Organizational Psychology.
- *Standards for Educational and Psychological Testing* (1999), American Psychological Association.
- *Uniform Guidelines on Employment Selection Procedures* (1978), Code of Federal Regulations, Chapter 41, Part 60-3.

Insurance

Empco carries required insurance.

Litigation

Empco has never been involved in any litigation of any kind.

Contact

Empco staff is easily accessible by several methods: office phone: 248-528-8060; fax: 248-526-7274; email: info@empco.net, or view our web site at: www.empco.net. We are located in Troy, Michigan near I-75, approximately 30 minutes north of Detroit.

Authorized Individual

Kendra Royer, Ph.D., President, is the person authorized to sign a contract. She can be reached at 248-528-8060 or at kendra@empco.net

Non-Collusion

Empco has not and will not work with any other vendor on this project.

Pricing

Assessment Center

Development Fee	\$5,000.00
Administration Fee (per day, up to 5 candidates per day)	\$2,200.00
Per Candidate Fee (\$300 x 5 candidates)	<u>\$1,500.00</u>

Estimate based on 8 candidates \$8,700 .00

Mileage and travel expenses will be billed as they occur.

Proposal for City of Troy

Police Lieutenant
Promotional Process

Proposal Submitted by:



Submitted:
January 2019

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Project Team

Kendra Royer, President

Dr. Kendra Royer holds a Master's degree and a Doctoral degree in Industrial/Organizational Psychology. She has worked as a public safety consultant since 2001 and has been with Empco since 2005. Her expertise is in the development and validation of employment testing. As President, Kendra oversees the development of all assessment processes. She ensures that all Empco products are valid and reliable and consistent with industry standards.

Charles Castle, Director of Marketing and Project Management

Charles Castle is the retired Police Chief from Southgate, Michigan. Chuck has 31 years of law enforcement experience and has worked for Empco since 2005 in a consulting capacity. He holds a Bachelor's Degree in Criminal Justice from Madonna University where he is on staff as an adjunct Criminal Justice instructor. Chuck obtained his Master's Degree in Criminal Justice from Wayne State University and is an active volunteer mentor for students in WSU's CJ program. As Director of Marketing and Project Management, Chuck will administer and

facilitate all aspects of the assessment process. He will utilize his experience in law enforcement to provide insight into the development of the assessment tools.

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Lansing, MI Police Department	
Contact:	Cherie Ballor Captain Lansing Police Department (517) 483-4647 cballor@lansingmi.gov Dates of Service: 2002 to present
Project:	Empco develops and conducts assessment centers for the ranks of Police Captain and Lieutenant. Empco also develops and administers oral boards and written examinations for Detective and Sergeant. All assessment centers, written exams and oral boards are based on extensive job analyses conducted for each rank.

Madison Heights, MI Police Department	
Contact:	Amy Misczak Human Resources Director (248)837-2609 amymisczak@madison-heights.org
Project:	Empco facilitates both hiring and promotions for the Madison Heights Police Department. Empco develops and conducts assessment centers for the ranks of Police Lieutenant and Chief and develops and conducts oral boards for the rank of Sergeant. Empco also develops and administers written exams for Sergeants and Lieutenants. Madison Heights also utilizes our Law Enforcement Testing System to create eligibility lists for entry level positions. Empco also develops and facilitates oral boards for these entry level positions.

Southfield, MI Police Department	
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Southgate, MI Police Department	
Contact:	Jeff Smith Director of Public Safety Southgate Police Department (734) 258-3060 smitty082@yahoo.com Dates of Service: 2002 to present
Project:	Empco designs and conducts assessment centers, oral boards and written exams for the Police Department. Custom written exams and oral boards are regularly conducted for Lieutenant. Assessment Centers are designed and administered for Police Chief and Deputy Police Chief.

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Contact:	Kate Baldwin Human Resources Manager City of Sterling Heights (586) 446-2316 kbaldwin@sterling-heights.net Dates of Service: 1990 to present
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- *Uniform Guidelines on Employment Selection Procedures* (1978), Code of Federal Regulations, Chapter 41, Part 60-3.

Insurance

Empco carries required insurance.

Litigation

Empco has never been involved in any litigation of any kind.

Contact

Empco staff is easily accessible by several methods: office phone: 248-528-8060; fax: 248-526-7274; email: info@empco.net, or view our web site at: www.empco.net. We are located in Troy, Michigan near I-75, approximately 30 minutes north of Detroit.

Authorized Individual

Kendra Royer, Ph.D., President, is the person authorized to sign a contract. She can be reached at 248-528-8060 or at kendra@empco.net

Non-Collusion

Empco has not and will not work with any other vendor on this project.

Pricing

Assessment Center

Development Fee	\$5,000.00
Administration Fee (per day \$2200, up to 5 candidates per day)	\$4,400.00
Per Candidate Fee (\$300 x 8 candidates)	<u>\$2,400.00</u>
Estimate based on 8 candidates	\$11,800.00

Mileage and travel expenses will be billed as they occur.

AGREEMENT FOR EMPLOYMENT TESTING SERVICES

This Agreement for Employment Testing Services is entered into this _____ day of 2019, between the City of Troy, Michigan, a Michigan municipality having its principal place of business at 500 W. Big Beaver Road, Troy, MI 48084 (hereinafter "City") and Empco, Inc., a Michigan corporation, having its principal office at 1740 W. Big Beaver Road, Troy, MI 48084 (hereinafter "Empco").

WHEREAS, Empco provides employment testing services, including the administration of a written examination (as applicable), as well as an assessment center, to screen potential municipal police department candidates; and

WHEREAS, Empco has submitted proposals to develop and conduct employment testing services for police captain and police lieutenant; and

WHEREAS, the City is desirous of having Empco provide the employment testing services, in connection with the bid proposals submitted by Empco, which are attached and incorporated by reference.

NOW THEREFORE, in consideration of the following, the City and Empco agree to the following:

1. The parties shall comply with all applicable federal, state, and local laws, including non-discrimination laws, and shall comply with all EEOC, Title VII requirements and regulations, and shall not discriminate against any candidate based on race, color, sex, national origin, religion, age, or handicap.
2. Empco shall conduct an assessment center for the position of Troy Police Captain and Police Lieutenant.
3. Immediately after this contract is executed, Empco shall review the departmental policies, procedure, and organization of the City, as well as conduct interviews with appropriate representatives of the City to better understand the organization, its culture, the objectives of the City and the positions to be filled.
4. Empco shall determine the specific job elements that are critical to the position of Police Captain and Police Lieutenant and shall prepare a job analysis.
5. Empco shall develop at least three job related exercises to assess each candidate for the position. These assessment exercises shall be consistent with the most recent version of "Guidelines and Ethical

Considerations for Assessment Center Operations," or similar guidance as approved by Troy City Administration.

6. Empco shall work with the designated City representative to schedule the date and the time and the facilities for conducting the assessment centers. The assessment centers shall be administered in an appropriate City facility, and at the City's expense.
7. Empco shall prepare a notice of the date, time, and location of the assessment centers, which shall be forwarded to the City for posting in at least two conspicuous locations at the City. This notice shall be prepared and forwarded to the City at least fourteen days before each scheduled assessment center.
8. The City shall notify Empco of the number of candidates for the position as soon as possible. At the conclusion of the pre-assessment orientation meeting, Empco shall be provided with the final list of all candidates.
9. Empco shall hold a pre-assessment orientation meeting with the candidates for each position approximately one week prior to the scheduled assessment center. This orientation shall provide the candidates with information about the assessment center process. If candidates are unable to make the pre-assessment orientation meeting, then Empco shall immediately provide the information about the assessment center process to the candidates by mailing the information to the candidates or with a phone conversation with the candidates.
10. Empco shall provide a facilitator for the assessment center. In addition, Empco shall provide the assessment team, which shall consist of three police executives that possess the necessary experience, background and knowledge to assess the candidates for the position in question. No member of the assessment team shall have any prior prejudicial knowledge or acquaintance with any of the candidates that are being assessed by the assessment team.
11. Each member of the assessment team shall individually observe and rate each candidate for the position.
12. Empco shall train each member of the assessment team as to the Empco assessment process, the exercises that are to be used, and the scoring criteria.

13. Empco shall tally the assessment center score for each candidate for each position, and shall provide a written copy of the final scores to the City within four business days after the assessment center.
14. If approved by the City and requested by the candidate within 60 days of the assessment center, Empco will either meet or have a phone conversation with each candidate to discuss the candidate's individual performance at the assessment center. The purpose of this review is to provide the candidate with feedback that can be used in future assessment processes, rather than to impact the final scores of the assessment center.
15. For each assessment center, the City shall pay Empco the sum of \$5000 as the base fee for the creation of each assessment center, and \$2,200 for each required day for administration of assessment center. Additionally, the City shall pay \$300 for each candidate evaluated.
16. The City will also reimburse mileage for the Empco facilitator and also the three members of the Empco assessment team, at the IRS approved rate.

General Contract Provisions

17. The parties each represent that they have the authority to enter into this contract.
18. Empco shall send all results to: Jeanette Menig, Human Resources Director, as representative of the City.
19. Empco shall invoice the City for services after the final results are provided to the City. The City shall pay those invoices within 30 days of receipt.
20. Empco shall carry general liability insurance, professional liability, automobile insurance, workers compensation and employers' liability insurance for any actions, claims, liability or damages caused to others arising out of the performance of this agreement, in amounts approved by the City of Troy. Empco shall provide the City with a copy of each such insurance policy upon request of the City. The City of Troy shall be named as an additional insured and the City of Troy shall be notified of any cancellation or material change of that insurance within 30 days. Cancellation of the insurance shall be considered a breach of this contract and the contract shall become null and void unless the Contractor immediately provides proof of renewal of continuous

coverage to the City of Troy. All insurance carriers shall be licensed and admitted to do business in the State of Michigan. Proof of insurance meeting these requirements shall be provided to City of Troy within 24 hours after execution of this contract.

21. To the fullest extent permitted by law, Empco agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, the Troy Police Department, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy or the Troy Police Department, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Troy, Troy Police Department, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy or the Troy Police Department, for any claims arising from preparation of the test, procedures conducted for or during the testing, selection of questions, method of scoring, or any other action relating to the execution of activities by Empco outlined in this Agreement.
22. The City may terminate this Agreement for breach of any of the terms and conditions, including but not limited to, unsatisfactory performance or failure to timely comply with the procedures set out herein. Written notification of termination shall be sent by first class mail to Empco at there last known address. Upon receipt of a notice of termination, Empco shall cease performance of any of the terms and conditions under this Agreement.
23. Empco shall have no authority or power to assign, subcontract, or transfer any rights, privileges, or interest without obtaining prior written permission from the City.
24. This Agreement incorporates by reference the attached Empco Proposals, as though fully set out herein. If there is a conflict between the Proposals and this Agreement, this Agreement shall control. These documents constitute the entire Agreement and any changes thereto shall be in writing signed by both the parties unless otherwise set out in the Agreement.
25. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan. The parties agree that venue for any causes of action shall be Oakland County, Michigan.

Signed this _____ day of _____, 2019.

City of Troy

By: _____

Its: _____

Empco

By: _____

Its: _____