

**BRIGANTINE BOARD OF EDUCATION
REQUESTS FOR PROPOSALS -
LABOR COUNSEL**

Notice of Solicitation

Notice is hereby given that pursuant to the provisions of N.J.S.A. 19:44A-20, New Jersey Pay to Play, and other legislative enactments, more specifically Chapter 271 of the laws of the State of New Jersey, the Brigantine Board of Education located at 301 East Evans Boulevard, Brigantine, NJ 08203 is seeking RFPs for Labor Counsel to be provided to the Board of Education.

Requests for Proposals are on file at the Business Administrator's office at 301 East Evans Boulevard, Brigantine, NJ 08203, and may be downloaded from the Board of Education's website at www.brigantineschools.org.

All RFPs must be received by the Board of Education Business Administrator no later than 10:00 a.m. prevailing time on Thursday, July 18, 2019 at the Board of Education office located at:

- **Via hand delivery or courier – 301 East Evans Boulevard, Brigantine, NJ 08203.**
- **Via mail service – P.O. Box 947, Brigantine, NJ 08203.**

All questions concerning this notice should be addressed to the Business Administrator at 609-266-3632.

All Proposals for professional service contracts shall include at a minimum the following information.

1. Names of individuals who will perform required tasks as well as the listing of their licenses.
 - a. Identify the person who will be primarily responsible for the services required by the Board of Education and provide a description of the experience of the primary person with projects and issues similar to those more specifically set forth in this RFP and on behalf of the Brigantine Board of Education.
 - b. Identify persons who will serve as back up to the primary person including resumes of all parties.
2. Describe ability to provide services in a timely fashion including a description of your staffing and a description of your familiarity with the services required by the Brigantine Board of Education.

Labor Counsel

Scope of Services

The Board of Education desires to appoint Labor Counsel who will provide labor and employment counsel services to the Board. Applicants should demonstrate extensive knowledge of New Jersey Labor Relations Law, general New Jersey School Law, and New Jersey Governmental Contracts Law. Any experience or knowledge of matters directly affecting the Board of Education should be addressed.

Minimum Requirements:

1. Must be licensed to practice law in the State of New Jersey for a period of not less than ten (10) years preceding the proposed appointment, and eligible to appear before state and federal courts in New Jersey, as well as New Jersey administrative agencies and the Office of Administrative Law.
2. Must have a minimum of seven (7) years' experience in the representation of School Districts and Boards of Education in labor, collective bargaining, and employment counsel capacity.
3. Must list past and present school districts or government authorities represented in addition, in what capacity.
4. Must maintain a bona fide principal office in the State of New Jersey.
5. Must maintain no less than five (5) New Jersey licensed attorneys on staff and have sufficient support staff available to provide the legal services required by the Board of Education relative to this RFP including, but not limited to, legal research, attendance at required meetings, preparation of resolutions, preparation of contracts and other legal documents.

Submission

Firms responding to the RFP shall provide evidence that the minimum requirements are met. Responses should also include cost details including hourly rates and/or retainer of the individuals who perform services and a list delineating the numbers and types of public clients represented by the firm. The proposed cost should include:

- a) Attorney meetings.
- b) Site visits and expenses.
- c) Expenses for travel, postage, and telephone, if excluded from the hourly rate.
- d) Additional services defined beyond the scope of regular services.

Statutory Requirements

1. Affirmative Action

If awarded a contract, your company/firm will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. Following is the required regulatory text:

EXHIBIT A
N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with

N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

2. Americans with Disabilities Act of 1990

Discrimination based on disability in contracting for the purchase of goods and services is prohibited. Bidders are required to read Americans with Disabilities language that is included below and agree that the provisions of Title II of the Act are made a part of the contract. The successful Proposer will be obligated to comply with the Act and to hold the owner harmless.

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the Group name, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. *5121 01* et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA, which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

3. Disclosure of Contributions to New Jersey Election Law Enforcement Commission

Bidders are advised that the responsibility to file an annual disclosure statement of political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, s.3) if the bidder receives contracts in excess of \$50,000 from public entities in a calendar year. It is the Bidder's responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us.

4. Business Registration Certificates

All Firms submitting proposals must include with their proposal, a Business Registration Certificate as required by N.J.S.A. 52:32-44. Business Registration Certificates must also be included with the proposal for any sub-consultants, testing labs, or others named in the proposal as a participant in performing the work.

5. Disclosure of Investment Activities in Iran

Pursuant to public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification attached to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders **must** review this list prior to completing the certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

6. Insurance

All Firms submitting proposals, as a member of a profession which is subject to suit for a professional malpractice, shall provide documentation that insurance for professional liability/malpractice coverage with limits as to liability acceptable to the Board.

7. Owner's Disclosure Statement of Ownership

All Firms submitting proposals must include an executed copy of the Stockholder/Partnership Disclosure and Statement of Ownership. Failure to submit the required information is cause for automatic rejection of the proposal.

8. Non-Collusion Affidavit

All Firms submitting proposals must include an executed and notarized copy of the Non-Collusion Affidavit. Failure to submit the required information is cause for automatic rejection of the proposal.

Evaluation of Responses to the RFP

The Board intends to award professional services contracts for the defined scope of work under the Fair and Open Process in accordance with N.J.S.A. 19:44A-20.4 et seq.

The Board will select the most advantageous qualifications based on the following factors and will make the award that is in the best interest of the Board:

1. Relevance and extent of qualifications, experience, reputation, and training of personnel to be assigned;
2. Experience in providing the professional services requested by the Board of Education and references related thereto;
3. Ability to perform the tasks in a timely fashion, including staffing and familiarity with the subject matter and the Board of Education;
4. Recent, current, and projected work load of the individual or firm.
5. Thoroughness and completeness of the applicant's submittal.

Each qualification must satisfy the objectives and requirements detailed in the RFP. The successful proposer shall be determined by an evaluation of the total content of the qualification submitted. The Board reserves the right to not select any proposals and shall not be obligated to explain the results of the evaluation process to any proposer.

Any questions regarding this Request for Proposals should be directed to School Business Administrator of the Brigantine Board of Education at 609-266-3632.

Submission of the RFP

Please submit four (4) copies (*one copy must be unbound*) to:

Via Hand Delivery or Courier:

Jonathan Houdart
Business Administrator
Brigantine Board of Education
301 East Evans Boulevard
Brigantine, NJ 08203

Via Mail Service:

Jonathan Houdart
Business Administrator
Brigantine Board of Education
P.O. Box 947
Brigantine, NJ 08203

NOTE: Indicate "Proposal for Labor Counsel" on the outside of the envelope.

All Proposals must be received at the School District's Business Office by Thursday, July 18, 2019 by 10:00 a.m. Proposals received after the designated time on the due date will be returned, unopened, to the sender. **The respondent is solely responsible for delays in delivery.**