

CUMBERLAND COUNTY UTILITIES AUTHORITY

333 Water Street
BRIDGETON, NEW JERSEY 08302



REQUEST FOR QUALIFICATIONS for

*Professional Labor Counseling Services
January 1, 2022 – December 31, 2022*

September 22, 2021

Submittal date: Thursday, October 14, 2021
10:00 A.M.

**Request for Qualifications
For
Professional Labor Counseling Services
For Contract Appointment January 1, 2022 to December 31, 2022
for
CUMBERLAND COUNTY UTILITIES AUTHORITY
NEW JERSEY**

Qualifications for annual Professional Labor Counseling Services required by the Cumberland County Utilities Authority, 333 Water Street, Bridgeton, New Jersey 08302, are being sought through the fair and open process in accordance with the requirements of N.J.S.A. 19: 44A-20.4. Qualifications will be received until Thursday, October 14, 2021, at which time they will be publicly opened and read. **LATE SUBMITTALS WILL BE RETURNED UNOPENED.**

It is the intent of the Cumberland County Utilities Authority to award one (1) contract for Professional Labor Counseling Services after reviewing the qualifications submitted.

Qualifications shall be submitted in sealed envelopes bearing the legend:

**Professional Labor Counseling Services
for the Cumberland County Utilities Authority RFQ #2022-04**

One (1) copy of Qualifications to be submitted to: Cumberland County Utilities Authority
Attn: Stephanie Mick, Business Administrator
333 Water Street
Bridgeton, NJ 08302

The Cumberland County Utilities Authority assumes no liability for the cost of preparation of qualifications incurred by any firm submitting a qualifications package.

A. SCOPE OF WORK AND GENERAL DESCRIPTION OF SERVICES TO BE PERFORMED

1. General Policy Review
 - a. Provide review and advice regarding the Authority's personnel policies and practices, especially regarding compliance with and interpretation of applicable federal, state, and local statutes, rules, regulations, and related operating parameters.

2. Third Party Representation
 - a. If applicable, provide assistance and advise regarding case presentation and representation of the Authority before third party review and appeal boards for personnel and collective bargaining cases and disputes. Specifically, prepare cases for and provide representation usually before, but not limited to Disciplinary Hearing Officers, the New Jersey Public Employees Relations Commission (PERC), the New Jersey Department of Personnel (Civil Service), Office of Administrative Law and the Equal Employment Opportunity Commission (EEOC).

3. Internal Disciplinary Hearings, if applicable; represent the Authority in internal disciplinary hearings.
4. Collective Bargaining Agreement Review
 - a. Provide review and advice regarding legal clarity, sufficiency, and compliance with federal and state statutes for collective bargaining agreements; and provide specific interpretations of agreement provisions and statutory changes, which may affect agreement provisions. When requested by the Authority, attend, and participate in collective bargaining negotiations.
5. Related Work
 - a. As requested, prepare and present staff training seminars on specific legal topics, especially in areas of statutory and regulatory personnel issues, e.g., anti-sexual harassment and discrimination policy, progressive discipline, Americans with Disabilities Act accommodations etc.
6. All other labor/personnel related work, as required. All work commissioned and performed will be on an "as needed" basis; the contract maximum will only dictate the maximum amount of payment, and will not establish any guaranteed levels of work

B. QUALIFICATIONS

Firms shall submit the Qualifications of their firm in conducting annual Professional Labor Counseling Services as required above. At a minimum the Qualifications shall include:

1. Full name and business address.
2. A description of the firm including the size of the firm, the number of licensed professionals employed by the firm, and resumes of key individuals who will perform the work.
3. Professional affiliations or memberships in any professional societies or organizations with an indication as to offices held therein.
4. A listing of any special accreditations held by the firm or employees thereof.
5. A listing of similar services performed by the submitting firm including a description of the services performed, and the address and telephone number of the client contact person.

C. TECHNICAL SCOPE OF WORK

Firms shall demonstrate their understanding of the "General Description of the Services to be Performed" in "A" above and shall demonstrate the firm's knowledge of authority business.

D. FEE SCHEDULE

The Labor Counselor position is paid an hourly rate. The Fee Proposal in Exhibit A must be completed and submitted with the Qualifications.

E. INSURANCE REQUIREMENTS

Certificate(s) of Insurance shall be submitted with the qualifications, showing proof of coverage of firm as follows:

1. Workers' compensation and employee's liability insurance.
2. A Professional errors and omissions policy in an amount not less than \$1,000,000.

F. 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. (P.L. 1975,C. 127) and N.J.A.C. 17:27. Following is the required regulatory text:

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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, gender identity or expression, disability, nationality, or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Such equal employment opportunity 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 forth provisions of this nondiscrimination clause.

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 afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

2. Americans with Disabilities Act of 1990

Discrimination on the basis of 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 Cumberland County Utilities Authority, (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. S121 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 of 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.**

G. EVALUATION OF QUALIFICATIONS

Preference for the position of Labor Counsel shall be given to attorneys with experience representing Authorities.

In determining the Labor Counsel suited to perform the necessary services for the Authority, the relevant experience, reputation, size and availability of qualified staff, and cost will be considered.

To give authorities and other governmental units latitude beyond having to hire the lowest bidders, with respect to professional services, governmental units are permitted to weigh competence of the general counsel more heavily than the price to be paid.

Qualifications will be evaluated by the Cumberland County Utilities Authority on the basis of the most advantageous to the Authority. The evaluation will consider but not be limited to:

1. Experience and reputation in the field;
2. Knowledge of the Cumberland County Utilities Authority and the subject matter to be addressed under the contract;
3. Knowledge of the State of New Jersey, Department of Community Affairs, Division of Local Government Services, Department of Environmental Protection;
4. Availability to attend and/or represent the Authority as requested;

5. Other factors as may be demonstrated to be in the best interest of the Authority.

Request for Qualifications for Professional Labor Counseling Services

EXHIBIT A

FEE PROPOSAL

(Complete and submit with proposal)

Firm Name: _____

Address: _____

Contact: _____

Phone: _____

Email: _____

HOURLY RATE: \$_____

Attach Per Diem Rate Schedule for expenses beyond Contract limits.

STATEMENT OF OWNERSHIP
(OWNERSHIP DISCLOSURE CERTIFICATION)

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

**This Statement Shall Be Included with
All Bid and Proposal Submissions**

Name of Business: _____

Address of Business: _____

Name of person completing this form: _____

N.J.S.A. 52:25-24.2:

"No corporation, partnership, or limited liability company shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or proposal, or accompanying the bid or proposal of said corporation, said partnership, or said limited liability company there is submitted a statement setting forth the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

If one or more such stockholder or partner or member is itself a corporation or partnership or limited liability company, the stockholders holding 10 percent or more of that corporation's stock, or the individual partners owning 10 percent or greater interest in that partnership, or the members owning 10 percent or greater interest in that limited liability company, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member, exceeding the 10 percent ownership criteria established in this act, has been listed.

To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

The Attorney General has advised that the provisions of N.J.S.A. 52:25-24.2, which refer to corporations and partnerships, apply to limited partnerships, limited liability partnerships, and Subchapter S corporations.

This Ownership Disclosure Certification form shall be completed, signed, and notarized.
**Failure of the bidder/proposer to submit the required information is cause for automatic
rejection of the bid or proposal**

Part I

Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, sign and notarize at the end)
- Non-Profit Corporation (skip Parts II and III, sign and notarize at the end)
- Partnership Limited Partnership Limited Liability Partnership
- Limited Liability Company
- For-profit Corporation (including Subchapters C and S or Professional Corporation)
- Other (be specific): _____

Part II

- I certify that the list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be.

OR

- I certify that no one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or that no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be.

Sign and notarize the form below, and, if necessary, complete the list below. (Please attach additional sheets if more space is needed):

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

Part III - Any Direct or Indirect Parent Entity Which is Publicly Traded:

“To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest.”

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

OR

Submit here the links to the Websites (URLs) containing the last annual filings with _____ the federal Securities and Exchange Commission or the foreign equivalent.

AND

Submit here the relevant page numbers of the filings containing the information on each person holding a 10 percent or greater beneficial interest.

Subscribed and sworn before me this ___ day of _____, 2_____.

(Notary Public)

My Commission expires:

(Affiant)

(Print name of affiant and title if applicable)

(Corporate Seal if a Corporation)

CONTINUED ON NEXT PAGE

A. Name of Business Owning 10% or more of Bidder

B.	Type of Business	Yes	No
1.	Individual	_____	_____
2.	Partnership	_____	_____
3.	Corporation	_____	_____
4.	Other (Specify)	_____	_____

C.	NAME OF BUSINESS OWNERS	ADDRESS	% STOCK OWNED
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

The bidder shall complete additional disclosure sheets as necessary to provide disclosures at all levels

Person Completing Form _____

Official Position _____

Date _____

Signature _____

NOTE: NO BID WILL BE AWARDED UNLESS THE ABOVE STATUTE IS COMPLIED WITH.

COUNTY OF CUMBERLAND
NEW JERSEY
NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

SS:

COUNTY OF _____

I, _____ of the City of _____
(Partnership, Corporation, Individual)

in the County of _____ and the State of _____

of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____

_____, the bidder making the Proposal for the above named Project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in connection with the above named project; and that all statements contained in said Proposal and in this Affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Proposal and in the Statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Contractor) (N.J.S.A. 52:34-15)

Subscribed and Sworn to _____

before me this _____ day of

_____, 20 _____

(also type or print name of affiant under signature)

Notary Public of _____

My Commission expires _____ 20 _____

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

BIDDER: _____

PART 1

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 below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates (any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity), 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 State of New Jersey, Department of Treasury, Division of Purchase and Property website at

<http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>

Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Township 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.

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012 c. 25, that neither the bidder listed above nor any of the bidder's Parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012 c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

I am unable **to certify** as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as nonresponsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2

You must provide a detailed, accurate & precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries, or affiliates, engaging in the investment activities in Iran outlined above by completing the box below.

Name: _____ Relationship to Bidder: _____

Description of Activities:

Duration of Engagement: _____ Anticipated Cessation Date:

Bidder Contact Name: _____ Contact Phone Number:

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Authority is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Authority to notify the Authority in writing of any changes to the answers or information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Authority and the Authority at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____

Signature: _____

Title: _____ Date: _____