

REQUEST FOR QUALIFICATIONS ATTORNEY CONTRACT REFEREE/HEARING OFFICER

Description:

The intent of this Request for Qualifications (“RFQ”) is to qualify additional attorneys/law firms in the the Burlington County Certified Pool for Contract Referee/Hearing Officer created by Resolution No. 2020-00124 on March 25, 2020, duly licensed in the State of New Jersey and in good standing to serve as a Contract Referee/Hearing Officer for employee disciplinary and grievance matters as assigned by the Division of Human Resources. The services required by the contract referee/hearing officer, as contractor(s) with the County, will be to conduct disciplinary and/or grievance hearings during normal County business hours (dates and times are on an as needed basis subject to the County’s specific needs) at designated locations throughout Burlington County including, but not limited to, Mt. Holly and Westampton. The contract referee/hearing officer will be required to schedule/hold hearings and issue written recommended decisions in a timely manner in accordance with the terms of applicable collective bargaining agreements and New Jersey law. The contract referee/hearing officer will issue a written decision which shall include findings of fact, conclusions of law and a recommendation for discipline or disposition of grievance to the Director of Human Resources on all cases she or he is assigned. The term of the contract will be from April 1, 2021 to March 31, 2022. Please note you do not have to submit a Qualification if you have been previously certified in the qualified pool for Contract Referee/Hearing Officer via Resolution No. 2020-00124 on March 25, 2020.

Qualification Requirements:

Successful candidates must meet the following criteria:

Graduation from an accredited college or university with a bachelor of arts or sciences degree and a law degree (Juris Doctor).

Be duly licensed in New Jersey as an attorney and presently in good standing.

Have a minimum of five years of experience with New Jersey civil service and public sector labor law including: applying terms and conditions of collective bargaining agreements to union and employee grievances and formulating management’s response or representing management’s interests in regard to unfair practice charges, grievance/arbitration hearings, and/or appearances at the Office of Administrative Law. Proof of said experience must be submitted with this RFQ.

Must possess a valid driver’s license and supply his/her own transportation, office space, telephone number, including answering machine and fax capability, computer with internet connection, secure e-mail and Microsoft Word software and related office supplies.

Conflicts of Interest:

Candidates must execute and deliver with the response to this RFQ a certification in the form provided stating that the candidate has no conflicts of interest, actual or apparent, that would compromise his/her independence of judgment in the performance of the designated services. (See attached conflict of interest certification to be executed and returned with submission of package).

Compliance with Laws:

If awarded a contract, contractor must comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (see attached affirmative action language). The selected vendor(s) shall comply with the requirements of P.L. 1975, c.127 by submitting an employee information report or certificate of employee information approval. This obligation shall be addressed within the formal agreement.

Scope of Work:

Successful candidate(s) must:

Have comprehensive knowledge of the NJ Uniform Administrative Procedure Rules (NJAC 1:1-1 et seq.), the NJ Civil Service Act (NJSA 11A:1-1 et seq.), and related NJ Department of Personnel regulations (NJAC 4A:1-1 et seq.). the NJ Employer-Employee Relations Act; (specifically, NJSA 34:13A-5.1 et seq. dealing with public employers/employees) and related regulations (NJAC 19:10-1.1 et seq.).

Have a comprehensive knowledge of management-union issues related to negotiable and non-negotiable terms and conditions of public employment.

Be able to conduct disciplinary hearings and grievances and render written recommended decisions in cases in accordance with the time frames embodied in the applicable collective bargaining agreements, the New Jersey Civil Service Act and related regulations, the New Jersey Employer-Employee Relations Act pertaining to public employers/employees and related regulations, the New Jersey Uniform Administrative Procedure Rules and any other related statues, regulations or applicable court decisions.

Be available on an as-needed basis during the normal business week to conduct Loudermill hearings pursuant to applicable law and regulations for employees whose alleged conduct may pose a threat to themselves, the workplace, others or the public.

Conduct fair and uniform hearings, following a standardized due process format, where both sides are permitted to present testimony, documentary or other relevant evidence, providing parties the opportunity to make opening and closing statements, and protecting both the employer's and employees' rights.

Be courteous and civil toward management representative, union representatives, affected employees and other participants while maintaining civil and orderly decorum during hearings.

Have command of the English language and be able to produce a written recommended decision containing both parties; presentations, findings of fact, conclusions of law and recommended disciplines and/or disposition of grievance.

Deliver in paper and/or electronic form recommended decisions to the Director of Human Resources and/or his designee at least **five business days** prior to deadlines contained in the applicable collective bargaining agreement and/or New Jersey law.

Submission of Qualifications:

The County intends to award a contract for contract referee services pursuant to N.J.S.A. 40A:11-5(1)(a)(i). The contract period shall be April 1, 2021 through March 31, 2022 subject to approval as to funding in the applicable County Budget. The Office of the County Solicitor will supply the form of contract,

This RFQ is open to all qualified candidates. The County of Burlington will not discriminate on the basis of gender, race, age, ethnicity, handicap or any other legally protected class. A review committee will be established which shall review and evaluate all responses and determine a limited number of best-qualified candidate applicants with which to negotiate. After negotiations, the review committee will recommend to the Board of County Commissioners of the County of Burlington that candidate or candidates to which a contract award should be made. If the review committee's recommendations(s) are accepted by the Commission Board, the award of the contract(s) shall be formalized by Resolution of that Board.

Responses to the RFQ are due no later 3:00 PM on Thursday, February 25, 2021 and must be submitted to the Office of the Burlington County Solicitor, 49 Rancocas Road, Room 225, P.O. Box 6000, Mount Holly, New Jersey 08060.

Insurance Requirements:

The successful vendor shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Qualifications:

Comprehensive General Liability including Products Completed Operations coverage for Personal Injury and Property Damage of not less than one million dollars (\$1,000,000) for each occurrence/ two million dollars (\$2,000,000) annual aggregate.

Automobile Liability insurance of not less than one million dollars (\$1,000,000) combined single limit (coverage for owned and/or non-owned auto and hired car liability).

Prior to the effective awarding of the contract, and as a condition precedent to such contract taking effect, the contractor shall provide a Certificate of Insurance as verification of the required insurance. Approval of the coverage and Certificate of Insurance is a condition precedent to the awarding of the contract. The certificate should be issued to:

(Note: Insurance Coverage must be furnished in the name of the entity and/or person providing the requested services).

Board of County Commissioners of the County of Burlington
49 Rancocas Road, P.O. Box 6000
Mt. Holly, NJ 08060-6000
Attn: Insurance & Risk Management

A statement from the contractors insurance broker stating that the contractor will, upon successful award of any contract to their client, supply the contractor with insurance in the types and amounts required by the specifications stated above.

Statement of Ownership:

In accordance with N.J.S.A. 52:25-24.2, every corporation and/or partnership must submit a statement setting forth the names and addresses of all stockholders in the corporation or partners in the partnership, who own ten (10%) percent or more of its stock, of any class, or of all individual partners in the partnership who own a ten (10%) percent or greater interest therein, as the case may be. If one or more such stockholder or partner is, itself a corporation or partnership, the stockholders holding 10% or more of that corporations' stock, or the individual partners owning ten percent 10% or greater interest in that partnership, as the case may be, shall also be listed. This disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner exceeding the 10% ownership criteria established by this notice have been listed. If no stockholder owns more than ten (10%) percent, note by stating "None". (See attached statement of ownership form to be executed and returned with submission of package).

STATEMENT OF OWNERSHIP DISCLOSURE

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

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type) Limited Liability Company (LLC)
- Partnership Limited Partnership Limited Liability Partnership (LLP)
- Other (be specific): _____

Part II

The list below contains the names and addresses of all stockholders in the corporation who own ten percent (10%) or more of its stock, of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein, or of all members in the limited liability company who own a ten percent (10%) or greater interest therein, as the case may be. (COMPLETE THE LIST BELOW IN THIS SECTION)

OR

No one stockholder in the corporation owns ten percent (10%) or more of its stock, of any class, or no individual partner in the partnership owns a ten percent (10%) or greater interest therein, or no member in the limited liability company owns a ten percent (10%) or greater interest therein, as the case may be.

(SKIP TO PART IV)

(Please attach additional sheets if more space is needed):

| Name of Individual or Business Entity | Home Address (for Individuals) or Business Address |
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Part III DISCLOSURE OF TEN PERCENT (10%) OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a ten percent (10%) or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a ten percent (10%) or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

| Website (URL) containing the last annual SEC (or foreign equivalent) filing | Page #'s |
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Please list the names and addresses of each stockholder, partner or member owning a ten percent (10%) or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above**. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the ten percent (10%) ownership criteria established pursuant to N.J.S.A. 52:25-24.2 et seq. has been listed.

Attach additional sheets if more space is needed.

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
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Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the **County of Burlington** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **County of Burlington** to notify the **County of Burlington** in writing of any changes to the information contained herein; 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 am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the **County of Burlington** to declare any contract(s) resulting from this certification void and unenforceable.

| | | | |
|---------------|--|--------|--|
| Name (Print): | | Title: | |
| Signature: | | Date: | |

Business Registration Certificate:

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

P.L.2004, c.57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for or entering into a contract with a public contracting agency.

All bidders must submit a copy of their State of New Jersey Business Registration Certificate prior to contract execution.

The bidder must include the proofs of all named or listed subcontractors in a construction bid as part of the bid submission.

The State Division of Revenue issues Business Registration Certificates. There is no cost to file, and renewal is unnecessary, though changes to information must be submitted.

Information on how a business can obtain a certificate on the Internet at www.nj.gov/njbgs or by phone at (609) 292-1730.

NEW JERSEY BUSINESS REGISTRATION REQUIREMENTS

The contractor shall provide written notice to its subcontractors of the responsibility to submit proof of business registration to the contractor.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (C.52:32-44 et al.) or subsection e. or f. of section 92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency.

Schedule Of Fees:

Please provide a standardized Schedule of Fees for each type of professional service for which the responder will provide, setting forth the job title and hourly rate for each type of employee envisioned to perform such services.

CONFLICT OF INTEREST CERTIFICATION

The undersigned certifies to the Board of County Commissioners of the County of Burlington that, in performing services to Burlington County, he knows of no circumstance that would constitute a conflict of interest, financial or otherwise, between himself or his firm and the Board, its members or with the interest of the County of Burlington in general. The undersigned further certifies that he knows of no circumstances or relationships between himself or his firm and third parties that would cause the actual or appearance of a conflict of interest or a compromise of judgment and independence in the performance of the designated services.

The undersigned acknowledges this is a continuing certification and shall remain in effect for the term of the specialized legal services.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: _____

(REVISED 4/10)

EXHIBIT A

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 will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will received consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter 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 meet targeted county employment goals established in accordance with 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, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality 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 targeted 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, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality 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 by 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 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office 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 Public Contracts Equal Employment Opportunity Compliance for conduction a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**