

# **BOROUGH OF KENILWORTH**

## **REQUEST FOR PROPOSALS**

### **LABOR/PERSONNEL COUNSEL SERVICES**

#### **Contract Term**

**January 1, 2019 through December 31, 2019**

#### **SUBMISSION DEADLINE**

**3:00 P.M.  
SEPTEMBER 27, 2018**

#### **ADDRESS ALL PROPOSALS TO:**

**Office of Borough Clerk  
567 Boulevard  
KENILWORTH, NJ 07033**

## **GENERAL INFORMATION & SUMMARY**

### **ORGANIZATION REQUESTING PROPOSAL**

**BOROUGH OF KENILWORTH  
567 BOULEVARD  
KENILWORTH, NJ 07033**

### **CONTACT PERSON**

**LAURA REINERTSEN  
BOROUGH CLERK  
(908)276-9090**

### **PURPOSE OF REQUEST**

The BOROUGH OF KENILWORTH is requesting proposals from qualified individuals and firms to provide Labor/Personnel Counsel Services of a specialized nature to the BOROUGH. Proposals will be evaluated in accordance with the criteria set forth in this RFP. One or more individuals/firms may be selected to provide services.

### **PERIOD OF CONTRACT**

January 1, 2019 through December 31, 2019.

### **CONTRACT FORM**

The successful proposer shall be required to execute the BOROUGH'S form contract, which includes the indemnification, insurance, termination and licensing provisions.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the BOROUGH arising out of, or by reason of, the work done and materials furnished under this Contract.

**DETAILED REQUIREMENTS OF THE  
REQUEST FOR PROPOSALS FOR LABOR/PERSONNEL COUNSEL  
SERVICES**

1. **BOROUGH OF KENILWORTH FACTS AND FIGURES** – The Borough of Kenilworth is a legal, governmental entity. The Borough was incorporated in 1907. The Borough is governed by a Mayor and Council. The Borough Council sets policy, adopts the operating and capital budgets for the Borough, enacts ordinances and sets the direction of how the Borough of Kenilworth will provide government services.

The Borough's population is approximately 7,675 and it consists of approximately 2.10 square miles of area. The Borough provides a full range of municipal services.

**NATURE/ SCOPE OF SERVICES** – The Borough of Kenilworth is requesting proposals from qualified individuals and firms to provide Labor/Personnel Counsel Services. The Borough of Kenilworth employs approximately 110 employees of which approximately 50 are covered by Collective Bargaining Agreements. There are two unions, representing police and public works.

The scope of Services shall include, but not be limited to:

**A. General Policy Review**

Provide review and advice regarding the Borough's personnel policies and practices, especially regarding compliance with and interpretation of applicable federal, state and local statutes, rules, regulations and related operating parameters.

**B. Third Party Representation**

Provide assistance and advise regarding case presentation and representation of the Borough before third party review and appeal boards for personnel and collective bargaining cases and disputes. Specifically, prepare cases for and provide representation usually before the New Jersey Public Employees Relations Commission (PERC), Office of Administrative Law and the Equal Employment Opportunity Commission (EEOC), which required.

**C. Internal Disciplinary Hearings**

Represent the Borough in internal disciplinary hearings.

**D. Collective Bargaining Agreement Review**

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 effect agreement provisions. When requested by the Borough, attend and participate in collective bargaining negotiations.

**E. Related Work**

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

discriminations policy, progressive discipline, Americans with Disabilities Act accommodations etc.

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.

**3. STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL - Proposers should submit a technical proposal which contains the following:**

- A.** The name of the proposer, the principal place of business and, if different, the place where the services will be provided;
- B.** Proposer must have a minimum of fifteen (15) years experience as an auditor and a minimum of ten (10) years experience servicing the Borough of Kenilworth or other governmental entities;
- C.** The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;
- D.** A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Borough may obtain references from any of the parties listed;
- E.** A description of all other areas of Labor/Personnel Counsel Services of the proposer, with emphasis on a description of those services of interest to a municipal government client.
- F.** A Statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
- G.** An Affirmative Action Statement (copy of form attached);
- H.** A completed Non-Collusion Affidavit (copy of form attached);
- I.** A completed Owner Disclosure Information form (copy of form attached);
- J.** A statement that the proposer will comply with the General Terms and Conditions required by the Borough and enter into the Borough’s standard Professional Services Contract;
- K.** A copy of the proposer’s Business Registration Statement; and

L. A completed Disclosure Statement.

4. **SPECIALIZED REQUIREMENTS OF TECHNICAL PROPOSAL** –

Proposer must demonstrate experience before the Public Employee Relations Commission, the Office of Administrative Law, Interest and Grievance Arbitrators, and in the Trial and the Appellate Divisions of Superior Court in labor and personnel matters.

Proposer must also demonstrate experience in representation of management in public sector collective bargaining;

5. **COST PROPOSAL** – Proposers should submit a cost proposal which should include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The Borough does not provide payment for or reimbursement for travel expenses.

6. **PROPOSAL EVALUATION** – The Borough will select the most advantageous proposals based on all of the evaluation factors set forth at the end of this RFP. The Borough will make the award(s) that is in the best interest of the Borough.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Borough reserves the right to:

- a. Not select any of the proposals;
- b. Select only portions of a particular proposer’s proposal for further consideration; (However, proposers may specify portions of the proposal that they consider “bundled”.)
- c. Award a contract for the requested services at any time within 60 days of the selection of the most advantageous proposals; every proposal should be valid through this time period.

The Borough may require proposers to demonstrate any services described in their proposal prior to award.

7. **PROPOSAL LIMITATIONS** – This RFP is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Borough by issuance of this RFP. The Borough reserves the right at the Borough’s sole discretion to refuse any proposal submitted.

8. **USE OF INFORMATION** - Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like

(“Information”) furnished or disclosed by the Borough to the proposer in connection with this RFP shall remain the property of the Borough. When in tangible form, all copies of such information shall be returned to the Borough upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the Borough or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

## **BASIS OF AWARD**

The contract shall be awarded based upon the following factors:

### **EVALUATION FACTORS**

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- A.** Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned
  
- B.** Knowledge of the Borough of Kenilworth and the subject matter to be addressed under this engagement
  
- C.** Relevance and Extent of Similar Engagements performed
  
- D.** Technical Proposal contains all required information
  
- E.** Reasonableness of Cost Proposal

-

## REQUEST FOR PROPOSALS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL:

**A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.**

INITIAL BELOW

- A. **An original, two copies and an electronic version (emailed to [Boroughclerk@kenilworthnj.org](mailto:Boroughclerk@kenilworthnj.org)) of your complete proposal.** \_\_\_\_\_
- B. Non-Collusion Affidavit properly notarized \_\_\_\_\_
- C. Owners Disclosure Statement, properly notarized, listing the names of all persons owning ten (10) percent or more of the proposing entity. \_\_\_\_\_
- D. Authorized signatures on all forms. \_\_\_\_\_
- E. Business Registration Certificate(s) \_\_\_\_\_
- F. Disclosure Statement \_\_\_\_\_
- G. Affirmative Action Statement \_\_\_\_\_
- F. Political Contribution Disclosure Form \_\_\_\_\_

Note: N.J.S.A 52:32-44 provides that the Borough shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES**  
**THE ABOVE LISTED REQUIREMENTS.**

NAME OF PROPOSER:

\_\_\_\_\_  
Person, Firm or Corporation

\_\_\_\_\_  
BY: (NAME) (TITLE)

(REVISED 1/07)

## **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 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 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 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 and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

**AFFIRMATIVE ACTION COMPLIANCE NOTICE**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS**  
**(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;

OR

(c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**NON-COLLUSION AFFIDAVIT**

STATE OF NEW JERSEY  
COUNTY OF UNION

ss:

I AM \_\_\_\_\_

OF THE FIRM OF \_\_\_\_\_

UPON MY OATH, I DEPOSE AND SAY:

1. That I executed the said proposal with full authority so to do;
2. That this proposer has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this engagement;
3. That all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the borough of Kenilworth 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 engagement; and
4. That no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial selling agencies of the proposer. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

\_\_\_\_\_  
NOTARY PUBLIC OF

MY COMMISSION EXPIRES: \_\_\_\_\_, 20\_\_\_\_.

**OWNER DISCLOSURE INFORMATION**

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
NAME OF BUSINESS ENTITY

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
Notary Public of

My Commission Expires: \_\_\_\_\_, 20\_\_\_\_.

**DISCLOSURE STATEMENT**  
(To be submitted with proposal)

- (a) Is or was anyone in your firm or company a member of the Borough governing body within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name	Position	Relationship
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- (b) Has any principal/partner of your firm been convicted of a indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name	Date
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- (c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes \_\_\_\_\_ No \_\_\_\_\_

Name	Position	Term
Reason for censure:		

- (d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes \_\_\_\_\_ No \_\_\_\_\_

Reason for Action:

- (e) Has any member of your firm ever been barred from doing business with any state, township or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name	State, Township or Municipality Government	Date
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- (f) Has your firm sued the Borough of Kenilworth in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name	Date
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**List of Agencies with Elected Officials Required for Political Contribution Disclosure  
N.J.S.A. 19:44A-20.26**

**County Name: Union**

State: Governor, and Legislative Leadership Committees

Legislative District #: 20, 21, 22

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

Berkeley Heights Township  
Clark Township  
Cranford Township  
Elizabeth City  
Fanwood Borough  
Garwood Borough  
Hillside Township

Kenilworth Borough  
Linden City  
Mountainside Borough  
New Providence Borough  
Plainfield City  
Rahway City  
Roselle Borough

Roselle Park Borough  
Scotch Plains Township  
Springfield Township  
Summit City  
Union Township  
Westfield Town  
Winfield Township

Boards of Education (Members of the Board):

Berkeley Heights Township  
Clark Township  
Cranford Township  
Elizabeth City  
Garwood Borough  
Hillside Township  
Kenilworth Borough

Linden City  
Mountainside Borough  
New Providence Borough  
Plainfield City  
Rahway City  
Roselle Borough  
Roselle Park Borough

Scotch Plains-Fanwood Regional  
Springfield Township  
Union Township  
Westfield Town  
Winfield Township

Fire Districts (Board of Fire Commissioners):

**USERS SHOULD CREATE THEIR OWN FORM, OR  
DOWNLOAD FROM [WWW.NJ.GOV/DCA/LGS/P2P](http://WWW.NJ.GOV/DCA/LGS/P2P) A COUNTY-  
BASED, CUSTOMIZABLE FORM.**

## STOCKHOLDER DISCLOSURE CERTIFICATION

**Name of Business:**

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

**OR**

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business organization:**

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

**Sign and notarize the form below, and, if necessary, complete the stockholder list below.**

Stockholders:

Name:	Name:
Home Address:	Home Address:
<b>Name:</b>	<b>Name:</b>
<b>Home Address:</b>	<b>Home Address:</b>
<b>Name:</b>	<b>Name:</b>
Home Address:	Home Address:
Subscribed and sworn before me this ___ day of _____, 2 ___.	_____ (Affiant)
(Notary Public)	_____ (Print name & title of affiant)
My Commission expires:	(Corporate Seal)