



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

December 2, 2009

Request for Proposals No. 2009-029

Legal Audit of Human Resources Policies

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|---|-----------|
| SECTION I – SUMMARY | 1 |
| SECTION II – BACKGROUND | 2 |
| SECTION III – INSTRUCTIONS TO BIDDERS | 3 |
| SECTION IV – SCOPE OF WORK | 4 |
| SECTION V – PROPOSAL FORMAT AND CONTENTS | 5 |
| SECTION VI – PROPOSAL EVALUATION | 8 |
| SECTION VII – SAMPLE CONTRACT | 10 |

SECTION I – SUMMARY

The Bay Area Air Quality Management District is seeking a highly qualified and experienced legal firm or attorney, licensed to practice law in California, and with a proven record in designing and conducting audits in the State of California to determine governmental organizations' compliance with laws and regulations governing human resources functions and programs. The purpose of this audit is for preventive maintenance and to reduce legal exposure.

To respond to this RFP, an interested company should submit one (1) electronic copy (in Microsoft Office or Adobe format) of its proposal to:

Rebekah Davies, Purchasing Agent, rdavies@baaqmd.gov
Bay Area Air Quality Management District
939 Ellis Street San Francisco, CA 94109

**Proposals must be received by 4:30 PM on December 31, 2009.
Late proposals will not be considered.**

Proposals must address all information requested in this RFP. A proposal may add information not requested in this RFP, but the information should be in addition to, not instead of, the requested information and format. Minority business enterprises, women's business enterprises, veteran's business enterprises, and Certified Green Businesses are encouraged to submit proposals. **Any questions regarding this RFP should be directed to Project Manager Christine Holmes at cholmes@baaqmd.gov.**

SECTION II – BACKGROUND

A. Air District Overview

The Bay Area Air Quality Management District (Air District) was created by the California Legislature in 1955 as the first regional agency to deal with air pollution in California, and is governed by provisions found in California's Health and Safety Code sections 40200-40276 as well as other provisions in Division 26 of the Health and Safety Code. The Air District jurisdiction includes Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, southwestern Solano, and southern Sonoma counties.

The State Legislature originally gave the Air District the authority to regulate stationary sources of air pollution, such as factories, oil refineries, chemical plants, gasoline stations, and agricultural burning. With more recent legislation, the Air District was granted authority to enact certain transportation and mobile source measures.

The Air District is governed by a twenty-three member Board of Directors, consisting of elected officials, including county supervisors, mayors, and city council members. The chief executive officer of the Air District is the Air Pollution Control Officer (APCO), a position currently held by Jack Broadbent.

B. Legal Audit of Human Resources Policies

The Air District has approximately 350 employees assigned to one of nine divisions. Approximately 250 employees work in the Air District Office in San Francisco. The remaining employees work at air monitoring sites situated in various locations in the Air District's jurisdiction, or conduct inspections of regulated facilities within the Air District's jurisdiction from vehicles provided by the Air District. Approximately 298 employees are represented by the Air District's internal labor organization, the Employees' Association (EA). Approximately 52 employees are unrepresented. The Administrative Services Division is comprised of the Human Resources (HR) Office, the Business Office and the Finance Office.

The Air District does not have a formal civil service structure, but does operate based on merit system principles. Its labor and employment programs are based on governing local, state, and federal law and are conducted as defined by policies and procedures described in the Air District's Administrative Code, and the Memorandum of Understanding (MOU), the collective bargaining agreement with the EA. The Administrative Code and the MOU will be made available for potential bidders to review upon request. The Air District has internal legal staff, and also relies on outside counsel for advice and representation on labor and employment matters. Currently, labor-relations functions are administered and conducted by outside contractors.

The Human Resources Office has eight (8) employees, including:

- Director of Administration
- Supervising Human Resources Analyst
- Human Resources Analysts (3)
- Human Resources Technician
- Organization Development and Training Specialist

- Librarian

Current Policies/Administrative Instructions in effect include the following:

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| Claims Against the District | No.1, rev. 09/28/09 |
| Responding to Public Records Act Requests | No.2, rev. 09/28/09 |
| Communicating with Members of the Media | No.3, rev. 09/28/09 |
| Distribution of Wireless Handheld Devices | No.4, rev. 09/28/09 |
| Use of District and Non-District Vehicles to Conduct District Business | No.5, rev. 09/28/09 |
| Use of Telecom Resources | No.6, 09/25/07 |

SECTION III – INSTRUCTIONS TO BIDDERS

A. General

1. All proposals must be made in accordance with the conditions of this RFP. Failure to address any of the requirements is grounds for rejection of this proposal.
2. All information should be complete, specific, and concise as possible.
3. Proposals should include any additional information that the respondent deems pertinent to the understanding and evaluation of the bid.
4. The District may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to December 31, 2009.
5. Proposals shall constitute firm offers. Once submitted, proposals cannot be altered without the written consent of the District, but proposals may be withdrawn.
6. The District reserves the right to reject any and all proposals.
7. The approximate amount budgeted for this project is \$30,000.
8. All questions must be in written form and directed to Christine Holmes and arrive no later than on week prior to RFP due date. All questions will be answered in writing and posted on the BAAQMD RFP webpage one week prior to the due date.
9. The cost for developing the proposal is the responsibility of the bidder, and shall not be chargeable to the Air District.

B. Submittal of Proposals

1. One electronic copy of the proposal must arrive at the address specified in Section I by 4:30 p.m. on December 31, 2009. Electronic submissions will be acknowledged with a return email.

2. Proposals received after the time and date provided previously specified will not be considered.

C. Interviews

1. The Air District, at its option, may interview bidders. The interviews will be for the purpose of clarifying the proposals.
2. Submittal of new proposal material at an interview will not be permitted.

SECTION IV – SCOPE OF WORK

The scope of this audit is to review the Air District's human resources policies that are implemented by the HR and related staff and to determine whether those policies comply with all governing laws and regulations. Also, related documents and forms shall be reviewed for legal compliance. The audit shall determine congruence between policies as written and as implemented, define any gaps or lapses in legal and regulatory compliance, identify any policies as written or implemented that may place the Air District at risk for violations, and offer suggestions for preventative measures and policy and/or implementation improvement.

The audit shall include a thorough review of labor and employment policies to assure compliance with state and federal regulations and identify areas where current policies should be modified, deleted, and/or new policies developed and implemented. The policy subject matter to be audited shall include but is not limited to the following:

- Recruitment and Selection
- Hiring and Separation
- Classification
- Wages and Hours
- Labor Relations
- Employee Relations
- Benefits
- Leave Requirements
- Workers Compensation
- Safety
- Discrimination and Employee Rights
- Recordkeeping and Documentation
- Technology

The audit will involve a review of all written policies, related documents and instructions, codes and labor agreements, and should also include interviews with major stakeholders such as District managers, and HR staff. Where the written policy is silent or ambiguous, past practice, interpretation, and application should be researched and reviewed.

Deliverables:

The study and report of findings and recommendations shall include, but not be limited to the following:

1. Comprehensive report which reviews all areas of HR policy and practice,

identifies governing law, discusses compliance and non-compliance, and particularly identifies areas where Air District practices are not consistent with laws and regulations, including specific citations of law or statute. . Audit responsibilities may include a presentation of this report to the Air District Board of Directors.

2. Specific recommended modifications of current policies and related documents.
3. Specific new policies and related documents necessary to ensure compliance.
4. Limited technical assistance in areas requiring remediation.
5. A comprehensive written plan containing specific steps to implement any changes.
6. Forecast of changes that may be necessary in the future relative to regulations currently in development.

Communications:

At all times the contractor will report to the Project Manager to provide timely updates with regard to progression of the project, but not less than biweekly during the project.

The contractor should be prepared to discuss preliminary recommendations with key stakeholders and senior executive staff, with revisions as appropriate.

Finally, the contractor should be prepared to make a presentation to the Board of Directors at the conclusion of the study, and following approval by the District Executive Officer.

Roles and Responsibilities:

The contractor shall be fully responsible for the planning, execution and reporting of the audit except as follows. Staff of the Air District will supply documents, reports, or other written materials necessary to the audit. Air District staff will be available to assist the contractor in arranging and coordinating schedules and meetings. Air District staff will be available to meet with the contractor for planning and subject matter interviews and consultations. The Project Manager will be available for review of draft submissions.

Timeframe:

1. The project shall begin within thirty (30) days of the contract award.
2. The project shall be complete within ninety (90) days after the project start.

SECTION V – PROPOSAL FORMAT, CONTENT, AND SUBMITTAL

A. Contents of Proposal

Submitted proposals must follow the format outlined below and include all requested information. Failure to submit proposals in the required format can result in the proposal being eliminated from evaluation and consideration.

1. Technical Proposal

- a. Cover Letter – Must include the name, address, and telephone number of the company, and must be signed by the person(s) authorized to

represent the firm.

- b. Table of Contents – Clearly identify material contained in the proposal by section
- c. Summary (Section I) – State overall approach to Legal Audit of Human Resources Policies, including the objectives and scope of work.
- d. Firm Contact Information (Section II) – Provide the following information about the firm:
 - Address and telephone number of office nearest to San Francisco, California
 - Name of firm's representative designated as the contact
 - Name of project manager, if different from the individual designated as the contact
- e. Program Schedule (Section III) – Provide projected milestones or benchmarks for completing the project within the total time allowed.
- f. Firm Organization (Section IV) – Provide a statement of your firm's background and related experience in providing similar services to governmental organizations. Describe the technical capabilities of the firm and, in particular, the firm's exposure with working with employment regulations in the State of California.. Provide references of other, similar projects including contact name, title, and telephone number for all references listed.
- g. Project Organization (Section V) – Describe the proposed management structure, program monitoring procedures, and organization of the engagement team. Provide a statement detailing your approach to the project, specifically address the firm's ability and willingness to commit and maintain staffing to successfully conclude the project on the proposed schedule.
- h. Assigned Personnel (Section VI) – Provide the following information about the staff to be assigned to the project:
 - List all key personnel assigned to the project by level and name, and include the percentage of their contribution towards this project. Provide a description of their background, along with a summary of their experience in providing similar services for governmental agencies, and any specialized expertise they may have. Substitution of project manager or staff will not be permitted without prior written approval of the Air District's assigned program manager.
 - Provide a statement of the availability of staff in any local office with requisite qualifications and experience to conduct the requested project.
 - Provide a statement of education and training programs provided to,

or required of, the staff identified for participation in the project. Make particular mention of with reference to experience dealing with governmental agencies, procedures, and employment laws and regulations.

- i. Retention of Working Papers (Section VII) – All working papers are the property of the Air District. Include a statement acknowledging that if your firm is awarded the contract, you will retain project related papers and related reports for a minimum of five (5) years.
 - j. Subcontractors (Section VIII) – List any subcontractors that will be used, the work to be performed by them, and the total number of hours or percentage of time they will spend on the contract.
 - k. Conflict of Interest (Section IX) – Discuss any possible conflicts of interest that might arise from the performance of this work for the Air District.
 - l. Additional Data (Section XI) – Provide other essential data that may assist in the evaluation of the proposal (e.g., green business certification, etc).
2. Cost Proposal
- a. Name and Address – The Cost Proposal must the name and complete address of the bidder in upper, left hand corner.
 - b. Cost Proposal – The cost proposal must list the fully-burdened hourly rates and the total number of hours estimated for each level of professional and administrative staff to be used to perform the tasks required by this RFP. In addition, costs should be estimated for each of the components of the work plan.

B. Proposal Submission

All proposals must be submitted according to the specifications set forth in Section V (A) – Contents of Proposal, and this section. Failure to adhere to these specifications may be cause for the rejection of the proposal.

1. Signature – All proposals should be signed by an authorized representative of the bidder.
2. Due Date – All proposals are due no later that 4:30 p.m. December 31, 2009, and should be directed to:

Rebekah Davies, Purchasing Agent
Bay Area Air Quality Management District
rdavies@baaqmd.gov

3. Submittal – Submit by e-mail one (1) electronic copy (in Microsoft Office or Adobe format). Electronic submissions will be acknowledged with a return email. If it is not possible to submit the proposal electronically, contact

Rebekah Davies, Purchasing Agent, at 415.749.4602 or rdavies@baaqmd.gov to make other arrangements. Late proposals will not be accepted. Any correction or re-submission of proposals will not extend the submittal due date.

4. Addenda – The Air District may modify this RFP and/or issue supplementary information or guidelines relating to the RFP during the proposal preparation period.
5. Grounds for Rejection – A proposal may be immediately rejected at any time after the deadline; is not in the prescribed format; or is not signed by an individual not authorized to represent the firm.
6. Disposition of the Proposals – All responses to this RFP become property of the Air District.
7. Modification – Once submitted, proposals, including the composition of the contracting team, cannot be altered without prior written consent of the Air District. All proposals shall constitute firm offers valid for ninety (90) days from December 31, 2009.

SECTION VI – PROPOSAL EVALUATION

A panel of Air District staff will evaluate all proposals. The panel will recommend the selection of the contractor to the Air Pollution Control Officer (APCO), who will, in turn, make a recommendation to the Air District Board of Directors. The Air District Board of Directors must approve the contract to carry out the work described in this RFP. An example of a typical contract for professional services used by the Air District is included in Section VII.

Proposals will be evaluated on the following criteria:

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| Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner. | 30% |
| Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies. | 20% |
| Responsiveness of the proposal, based upon a clear understanding of the work to be performed. | 20% |
| Cost | 20% |
| References of the firm, local business/Green Business* | 10% |

- * The District gives preferences to local businesses and those that are certified as green businesses by a government agency or independent private rating organization.

The Air District reserves the right to reject any and all proposals submitted and/or request additional information. During the selection process, the Air District's evaluation panel may interview bidders. It is expected that the highest scoring bidders will be asked to make a verbal presentation to the District staff at its San Francisco office. If requested to make such a presentation, in person attendance will be mandatory. The interviews will be for clarification only. The submittal of new material will not be permitted at that time.

If two or more proposals receive the same number of points, the Air District will accept the lower cost offer.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is available on the District's website at <http://www.baaqmd.gov/adm/requests/index.htm>