



February 1, 2023

Request for Qualifications# 2023-009

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Labor Negotiations Services

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SECTION I – SUMMARY

The Bay Area Air Quality Management District (Air District) seeks to retain legal services for anticipated labor negotiations with its Employees Association for labor contract renewal. The term of the services is expected to be one year, with the option to extend negotiation services for one additional year at the Air District’s sole discretion. The current labor contract, referred to as the Memorandum of Understanding, is set to expire on June 30, 2023, and negotiations should begin no later than the month of March 2023.

To respond to this Request for Qualifications (“RFQ”), an interested firm should submit one (1) electronic copy (in Adobe Acrobat PDF file format) of its statement of qualifications to the Air District’s Procurement Portal (“Portal”):

Cynthia Zhang, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600; San Francisco, CA 94105
Portal link: <https://baaqmd.bonfirehub.com>

**Statements of qualifications must be received by
4:00 p.m. on Tuesday, February 28, 2023 (“deadline”).
Late submissions will not be considered.**

Statements of qualifications must address all information requested in this RFQ. A statement may add information not requested in this RFQ, but the information should be in addition to, not instead of, the requested information and format. Minority business enterprises, women business enterprises, veteran business enterprises, local

businesses, and certified green businesses are encouraged to submit statements of qualifications. **Any questions regarding this RFQ should be submitted through the Portal.**

SECTION II – BACKGROUND

A. Air District Overview

The Bay Area Air Quality Management District is the government agency responsible for protecting air quality in the San Francisco Bay Area. The Air District is tasked with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. It is governed by a 24-member Board of Directors composed of locally elected officials from each of the nine counties. The Air District's mission is to create a healthy breathing environment for every Bay Area resident, while protecting and improving public health, air quality and the global climate.

The Air District aims to achieve its mission through many strategic goals, including: reducing and eliminating health problems caused by air pollution, achieving and maintaining air quality standards, leading the Bay Area's efforts to fight global climate change, creating high-quality regulatory programs, and applying environmental best practices in all operations. To do so, the Air District regulates air pollution emissions from stationary emission sources such as factories, refineries, and power plants, and from smaller facilities like gas stations and dry cleaners. The Air District ensures that such facilities comply with air pollution laws and regulations, provides incentives to replace older, higher-emitting vehicles and equipment with cleaner alternatives, and gives grants and provides outreach to encourage healthy clean air choices by businesses and consumers. The Air District implements these efforts with an equity focus, aiming to reduce air quality disparities and promote environmental justice by targeting local air pollution in overburdened communities.

B. Labor Negotiation Services

The current labor contract (Memorandum of Understanding) is set to expire on June 30, 2023 and has been in effect since July 1, 2021. Negotiations should begin no later than the month of March 2023. The current Memorandum of Understanding is attached as Exhibit A for reference.

The selected firm will work with the Air District's Legal Division and Human Resources Office throughout the term of the engagement.

SECTION III – GENERAL DESCRIPTION OF SERVICES

A. Services Needed

The objective of this RFQ is to solicit statements of qualifications from qualified vendors, contractors or firms (firms) of labor negotiation services necessary to assist Air District

staff in leading, advising and conducting labor negotiations with its Employees Association.

The selected firm will work directly with the Human Resources Office and Legal Division as its primary contacts, and with other departments of the Air District as needed, on activities including but not limited to:

- Provide strategy advice for, lead, and represent the Air District in negotiations regarding the current Memorandum of Understanding between the Air District and its Employees Association.
- Provide strategy advice for, lead, and represent the Air District in meet-and-confer sessions with the Employees Association.
- Meet and confer and consult on mandatory topics of bargaining and impacts.
- Consult with the Board of Directors, Executive Officer, Chief Administrative Officer, and other senior management staff on topics related to negotiations with the Employees Association.
- Review and provide analysis on all materials submitted by the Employees Association in connection with the negotiation.
- Provide written documentation of all negotiations on a standard negotiation tracker after each negotiation session.
- Provide regular briefings on the progress of negotiations to the Air District's Board of Directors, Executive Officer, and Chief Administrative Officer.
- Advise and represent the Air District in any fact-finding sessions, as necessary.

The firm will provide these services subject to oversight and direction by the Executive Officer and the Air District's Board of Directors, with whom the firm will consult on a regular basis. Firms must also demonstrate the ability to maintain strict confidentiality with respect to sensitive information that may be accessed during the term of the engagement.

SECTION IV – SUBMISSION REQUIREMENTS

A. General

1. Interested firms must create an account through the Portal described in this RFQ to view RFQ documents and addenda, and to submit questions and statements of qualifications.
2. All statements of qualifications must be made in accordance with the conditions of this RFQ. Failure to address any of the requirements is grounds for rejection of the submission.
2. All information should be complete, specific, and as concise as possible.
3. Statements of qualifications should include any additional information that the bidder deems pertinent to the understanding and evaluation of the submission.
4. The Air District may modify the RFQ or issue supplementary information or

guidelines during the submission preparation period prior to the deadline. Please check the [Portal](#) for updates prior to the deadline.

5. The Air District reserves the right to reject any and all submissions.
6. All questions must be in written form and submitted through the Portal no later than **4:00 p.m. on Wednesday, February 15, 2023**. Bidders will not be able to submit questions after this time. All questions will be answered in writing and posted on the [Portal](#) by **6:00 p.m. on Tuesday, February 21, 2023**.
7. The cost for developing the statement of qualifications is the responsibility of the bidder, and shall not be chargeable to the Air District.
8. A firm's selection and the execution of a contract with the Air District does not guarantee any particular amount of work.

B. Submittal of Statements of Qualifications

All statements of qualifications must be submitted according to the specifications set forth in Section V (A) – Contents of Statement of Qualifications, and this section. Failure to adhere to these specifications may be cause for the rejection of the submission.

1. **Deadline** – All statements of qualifications are due no later than **4:00 p.m. on Tuesday, February 28, 2023**, and should be submitted via the Portal to:

Cynthia Zhang, Staff Specialist
Bay Area Air Quality Management District
375 Beale Street, Suite 600; San Francisco, CA 94105
Portal link: <https://baaqmd.bonfirehub.com>

2. Uploading large documents may take significant time, depending on the size of the file(s) and internet connection speed. Bidders should plan sufficient time before the deadline to finalize their submissions and complete the uploading process. Bidders will not be able to submit documents after the deadline. Statements of qualifications received after the deadline will not be considered.
3. **Signature** – All statements of qualifications must be signed by an authorized representative of the bidder.
4. **Submittal** – Submit one (1) electronic copy (in Adobe Acrobat PDF file format) to the Portal. Electronic submissions submitted via the Portal will be acknowledged with a confirmation email receipt. Late submissions will not be accepted. Any correction or re-submission of statement of qualifications will not extend the submittal deadline.
5. **Grounds for Rejection** – A statement of qualifications may be rejected at any time if it arrives after the deadline, or is not in the prescribed format, or is not signed by an individual authorized to represent the firm.

6. Disposition of the Submissions – All responses to this RFQ become property of the Air District and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, it may mark that portion “confidential.” The Air District will use reasonable means to ensure that such confidential information is safeguarded, but will not be held liable for inadvertent disclosure of the information. Statements of Qualifications marked “confidential” in their entirety will not be honored, and the Air District will not deny public disclosure of any portion of submittals so marked.

By submitting a statement of qualifications with portions marked “confidential,” a respondent represents it has a good faith belief that such portions are exempt from disclosure under the California Public Records Act and agrees to reimburse the District for, and to indemnify, defend, and hold harmless the Air District, its officers, employees, and agents, from and against any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs, and expenses, including without limitation, attorneys’ fees, expenses, and court costs of any nature whatsoever, arising from or relating to the Air District’s non-disclosure of any such designated portions of a statement of qualifications.

C. Interviews

1. The Air District, at its option, may interview firms that respond to this RFQ. The interviews will be for the purpose of clarifying the statement of qualifications.
2. Submittal of new materials at an interview will not be permitted.
3. Interviews may involve a presentation and/or a question-and-answer session.

SECTION V – SUBMISSION CONTENTS

A. Contents of Statement of Qualifications

Submitted statements of qualifications should follow the format outlined below and include all requested information. Failure to submit statements of qualifications in the required format may result in the submission being eliminated from evaluation and consideration.

1. Experience, Structure, Personnel
 - a. Contact Information (Section I) – Provide the following information about the firm:
 - Address and telephone number of office nearest to San Francisco, California and the address and phone number of the office that each

- of the proposed staff members are based out of if different.
 - Name of firm's representative designated as the contact and email address
 - Name of project manager, if different from the individual designated as the contact
- b. Table of Contents – Clearly identify material contained in the statement of qualifications by section.
- c. Firm Experience (Section II) – Provide a statement of your firm's experience in providing similar services to those sought through this RFQ, including any services provided to governmental organizations. Describe the technical capabilities of the firm in all areas relevant to the services sought through this RFQ.
- d. Confidential Information (Section III) – Describe your firm's processes, policies, and/or procedures on handling confidential data and sensitive information during and after the term of the engagement.
- e. Assigned Personnel (Section IV) – List all key personnel who would be assigned to Air District projects by name and role. Provide descriptions of education and training, along with a summary of experience in providing services similar to those sought through this RFQ. Background descriptions can be a resume, curriculum vitae, or summary sheet. Substitution of project manager or staff will not be permitted without prior written approval of the Air District's assigned program manager.
- f. References (Section V) - Provide a minimum of three (3) references of other, similar projects including company name or government entity, contact name, title, phone number and e-mail address for all references listed. For each reference, include a description of services provided and dates the services were provided.
- g. Subcontractors (Section VI) – List any subcontractors that will be used and the work to be performed by them.
- h. Conflict of Interest (Section VII) – Address possible conflicts of interest or appearance of impropriety regarding other clients of the firm that could be created by providing services to the Air District. Describe procedures to be followed to detect and resolve any conflict of interest or appearance of impropriety. The Air District reserves the right to consider the nature and extent of such work in evaluating the statement of qualifications.
- i. Additional Information (Section VIII) – Provide other essential data that may assist in the evaluation of the statement of qualifications.

2. Fee Information

- a. The normal hourly rate of each principal and staff member whose resume is provided or whose job category may be required, and the rate that would be charged to the Air District.

- b. A list of rates for reimbursable expenses, such as expenses for travel, presentation materials, supplies, deliveries, B/W and color printouts and copies, faxes, photo scans and, copywriting and copyediting services.
- c. Any reduced fees offered to the Air District.
- d. Any other fees or charges.

SECTION VI – QUALIFICATION EVALUATION

A panel of Air District staff will evaluate all statements of qualifications. The panel will recommend the selection of one or more contractors 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 may be required to approve the contract(s) to carry out the work described in this RFQ. An example of a typical contract for professional services used by the Air District is included in Section VII.

In evaluating statements of qualifications submitted pursuant to this RFQ, the Air District places high value on the following factors, not necessarily in order of importance:

- Approaches in methodology with respect to the anticipated scope of services that demonstrate maximum comprehension of and ability to provide such services to the Air District.
- Experience of firm and employees to be assigned to an Air District project in general, and in particular, providing similar labor negotiation services to governmental agencies.
- Demonstrated knowledge of Air District activities.
- Experience of the firm with comparable organizations and types of services.
- Innovative or outstanding work by firm that demonstrates the firm's unique, creative qualifications to provide the services outlined in this RFQ.
- Number, complexity, and nature of labor negotiation projects handled by the firm.
- Firm's staff ability and availability for working with Air District directors, officers, staff and consultants.
- Conformity with applicable Air District requirements as noted in this RFQ.
- Proposed fee structure relating to services the firm would provide.
- Ability to maintain strict confidentiality with respect to sensitive information that may be accessed during work on the project.

SECTION VII – SAMPLE CONTRACT

A sample contract to carry out the work described in this RFQ is available on the Air District's website at <http://www.baaqmd.gov/about-the-air-district/request-for-proposals-rfp-rfq/samples-previous>. (Click the + to the left of Sample Contracts, and then click on the Master Services Contract link)

SECTION VIII – ATTACHMENTS

- Exhibit A – Memorandum of Understanding