



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

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Request for Qualifications No. 2024-010

Legal Services for Human Resources Matters

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SECTION I – SUMMARY

The Bay Area Air Quality Management District (“Air District”) seeks qualified firms to provide legal services pertaining to public sector human resources matters on an as-needed basis. Legal services may include, but is not limited to, consultation, representation, counseling and providing advice on matters in the following categories:

1. Labor and Employment Law and Relations
2. Labor and Employment Litigation
3. Affirmative Civil Rights Compliance and Policy
4. Internal Civil Rights Complaints
5. Workplace Investigations
6. Mediation Services
7. Immigration Services

Firms may submit qualifications for one or more categories. The Air District will review qualifications and will create a list of qualified firms (also referred to as “bench”) for each category. The Air District may use the bench of qualified firms, at its sole and absolute discretion, on an as-needed basis. The Air District will interview firms regarding a specific matter or case when the need arises, and will select and retain, at the Air District’s sole discretion, a qualified firm for the specific case or matter. Firms qualified under this RFQ are not guaranteed any amount of work or a contract. **The duration of the bench will be for a period of five (5) years.**

To respond to this Request for Qualifications (“RFQ”), an interested firm should submit one (1) electronic copy of its Statement of Qualifications to the Air District’s Procurement Portal (“Portal”):

Cynthia Zhang, Senior 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. Pacific Time (PT) on Friday, October 18, 2024 (“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’s business enterprises, veteran’s 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 Air 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. Legal Services for Human Resources Matters

The Air District's Human Resources Office is responsible for recruitment and selection, employee benefits, training and organizational development, safety and wellness, and labor relations. The Air District seeks qualified firms to provide legal services for various public sector human resources matters on an as-needed basis.

Firms may collaborate with the Air District's management, general counsel, Board of Directors, Human Resources staff, and other departments as necessary. Firms are expected to provide timely legal services in accordance with the highest professional standards and will maintain strict confidentiality of all matters relating to the Air District's operations and employees.

SECTION III – GENERAL DESCRIPTION OF SERVICES

Qualified firms will provide legal services pertaining to public sector human resources matters for the categories outlined in this Section III. Firms must be licensed to practice law in the State of California and may submit qualifications for one or more categories.

1. Labor and Employment Law and Relations

Under this category, qualified firms will provide legal advice and consultation on a broad range of labor and employment issues in compliance with federal, state, and local laws and regulations. Legal services may include, but are not limited to:

- a. Provide legal advice and consultation on personnel policies and procedures, employee handbooks, and employment contracts.
- b. Conduct legal research on employment-related issues and provide legal memoranda and opinions.
- c. Provide advice and consultation on wage and hour compliance, employee classification, and discrimination and harassment issues.
- d. Provide advice on issues under the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), the Fair Labor and Standards Act (FLSA), and other applicable federal, state and local laws.
- e. Provide advice and consultation on employee disciplinary actions, termination, and severance matters.
- f. Provide consultation on labor relations and collective bargaining issues.
- g. Provide general human resources consulting in areas such as training and development, workforce planning, and performance management.
- h. Provide guidance and support to the Air District's management and Human Resources Office on employee relations and employee communication issues.
- i. Meet with the Air District's Employee's Association to discuss collective bargaining agreement interpretation and disputes and negotiate with the Employee's Association if necessary.
- j. Negotiate labor contracts.

2. Labor and Employment Litigation

Under this category, qualified firms will provide legal representation in litigation related to

personnel actions and employment and labor law matters. Legal services may include, but are not limited to:

- a. Provide advice and representation to the Air District on all phases and in all aspects of litigation, beginning with initial case assessment prior to first filing and continuing through any administrative hearing processes and any subsequent judicial proceedings, including discovery, pretrial and trial proceedings and any appellate proceedings after entry of final judgment.
- b. Defend Air District decisions against legal challenges, including but not limited to, employee claims, grievances, and appeals.
- c. Litigate cases involving alleged employment discrimination, harassment, retaliation, and wrongful termination.
- d. Represent Air District in wage and hour disputes.
- e. Advise and represent Air District in litigation or arbitrations, mediations, and administrative hearings with labor unions.

Desired experience and skills:

- a. Representing public agencies led by elected Boards, Commissions, or other similar oversight bodies in litigation matters.
- b. Defending government agency decisions against legal challenges, including but not limited to employee claims, grievances, and appeals.
- c. Litigating cases involving alleged employment discrimination, harassment, retaliation, and wrongful termination.
- d. Representing public agencies in wage and hour disputes.
- e. Advising and representing public agencies in litigation or arbitrations, mediations, and administrative hearings with labor unions.
- f. Litigating cases involving such issues in state and federal courts in California, as well as before administrative agencies such as the California Department of Fair Employment and Housing (California Civil Rights Department) and the National Labor Relations Board.
- g. Representing public agencies in litigation involving personnel actions and should demonstrate a thorough understanding of the complex legal and regulatory landscape of California employment and labor law.

3. Affirmative Civil Rights Compliance

Under this category, qualified firms will provide legal services to ensure the Air District complies with all state and federal civil rights laws in its programs and policies. Qualified firms should have experience and skill in developing civil rights compliance materials for government agencies, including familiarity with applicable guidance published by other public entities regarding civil rights compliance by environmental regulatory agencies, such as the United States Environmental Protection Agency and the California Air Resources Board. Services may include, but are not limited to:

- a. Assist in developing an affirmative civil rights compliance analysis and policies for the Air District's programs, such as permitting, enforcement, air quality planning, and rulemaking.
- b. Provide advice and representation on matters related to civil rights law, including but not limited to:

- i. Civil rights compliance under laws such as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964 and Cal.Gov. Code § 11135.
- ii. Environmental justice principles and issues.

4. Internal Civil Rights Complaints

Under this category, qualified firms will provide legal services related to civil rights complaints filed by third parties against the Air District or Air District staff. Qualified firms should have experience responding to internal civil rights complaints on behalf of local, state, and/or federal agencies. Services may include, but are not limited to:

- a. Provide advice and counsel to the Air District on responding to individual, external civil rights complaints, including factual investigation and analysis in support thereof.
- b. Provide advice and counsel on any settlement of external civil rights claims.
- c. Assist in developing and/or updating an investigation manual for implementation of the Air District's Grievance Procedure for external discrimination complaints.
- d. Provide advice and representation on matters related to civil rights law, including but not limited to:
 - a. State and federal civil rights compliance under state and federal laws such as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and Cal. Gov. Code § 11135.

5. Workplace Investigation

Under this category, qualified firms will conduct independent and impartial workplace investigations related to discrimination, harassment, and/or bullying claims. Services may include, but are not limited to:

- a. Work with Air District to define the scope of each investigation.
- b. Conduct independent, impartial, confidential, and fact-finding workplace investigations.
- c. Review Air District policies and procedures and gather the facts and data.
- d. Conduct interviews with complainant(s), witness(es), and subject(s).
- e. Provide timely briefings to Air District and maintain communications to parties involved in the investigation process.
- f. Draft and finalize investigation reports; provide findings and recommendations on investigations.

6. Mediation Services

Under this category, qualified firms will provide professional mediation services to resolve disputes and negotiate acceptable resolutions of issues. Services may include, but are not limited to:

- a. Prepare and gather background information and pertinent facts related to the matter or case.

- b. Conduct impartial and unbiased mediations as a neutral party.
- c. Facilitate discussions between the parties and offer conflict solutions.
- d. Guide the parties towards resolving a dispute and reaching a mutually agreeable settlement.
- e. Provide reports on status and results of the mediation.
- f. Provide post-mediation follow-up, as needed.

7. Immigration Services

Under this category, qualified firms will provide legal services on immigration matters related to employment. Services may include, but are not limited to:

- a. File employment visas to regulatory agency on behalf of the Air District (e.g. H1-B, H-4) on a timely basis.
- b. Provide advice and consultation on business immigration issues and matters.
- c. Conduct assessment and analysis of candidate eligibility and options.

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 statement 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 this submission.
- 2. All information should be complete, specific, and as concise as possible.
- 3. Statements of qualifications should include any additional information that the respondent 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. PT on Friday, August 30, 2024**. Firms 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. PT on Thursday, September 12, 2024**.
- 7. The cost for developing the statement of qualifications is the responsibility of the responding firm, 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. PT on Friday, October 18, 2024**. Late submissions will not be accepted.
2. **Submittal** – Submit one (1) electronic copy of the statement of qualifications in Adobe Acrobat PDF file format to the Portal. Electronic submissions submitted via the Portal will be acknowledged with a confirmation email receipt.

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. Respondents should plan sufficient time before the deadline to finalize their submissions and complete the uploading process. Respondents 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 firm.
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.

7. Modification – Once submitted, statement of qualifications may be altered up until the deadline. Statement of qualifications may not be modified after the deadline. Any correction or re-submission of statement of qualifications will not extend the submittal deadline.

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, Qualifications, and 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 Overview (Section II) – Provide an overview of your firm, firm ownership information, and organizational chart, including the number of employees and the number of years in business.
- d. Approach and Availability (Section III) – Describe your approach to managing engagements, personnel, and timelines. Describe your availability and commitment to providing legal services on an as-needed basis.
- e. Experience and Qualifications (Section IV)
 - i. Describe your firm's experience in providing legal services for human resources matters, including experience representing governmental organizations.
 - ii. For each category in Section III that qualifications are being submitted for:
 - Clearly identify the category.
 - Describe your firm's experience, qualifications, and skills in providing services in this category, including any legal services provided to government organizations in this category.
 - Identify all key attorneys and personnel to be assigned to provide the services in this category by name and role. For each attorney, describe the qualifications, education and training, area of expertise, and experience in providing services in this category. This information may be provided as a resume, curriculum vitae (CV), or summary sheet.
 - Describe three (3) major engagements managed by your firm within the last five (5) years that demonstrate your experience in this category. Include the client's name, a description of the nature of the work, and the size and complexity of the engagement.
- f. Confidential Information (Section V) – Describe your firm's processes, policies, and/or procedures on handling confidential and sensitive information during and after the term of an engagement.
- g. References (Section VI) - Provide three (3) references of comparable public agency clients the firm has represented on similar engagements, including the name of the entity represented and the name, title, phone number and e-mail address of the appropriate contact person. For each reference, include a description of the engagement(s) the firm worked on, the legal services provided, and the dates the services were provided.
- h. Subcontractors (Section VII) – List any subcontractors that will be used and the work to be performed by them.
- i. Conflict of Interest (Section VIII) – 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.

- j. Additional Information (Section IX) – 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. If an annual increase in fees is expected, include the effective dates of the increase and the percentage increase, if any, in the response.
- 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.

Statement of Qualifications will be evaluated on the following factors:

Description	Points
Statement of Qualifications is responsive to the RFQ.	5
Approaches in methodology to managing engagements, personnel, and timelines.	5
Availability and commitment to providing legal services on an as-needed basis.	5
Experience of the firm generally in representing comparable governmental agencies in legal services for human resources matters.	5
Experience and qualifications with respect to each category: <ul style="list-style-type: none"> • Experience and qualifications of the firm. • Experience and qualifications of the personnel that will be assigned to the Air District. • Complexity and nature of similar engagements managed and completed by the firm. 	30 per category

Description	Points
Ability to maintain strict confidentiality with respect to sensitive information during and after an engagement.	5
Quality and applicability of references.	5
Competitiveness and reasonableness of fee structure.	5

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 Professional Services Contract link)