



# THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE  
MILLBURN, NEW JERSEY 07041

## **Township of Millburn REQUEST FOR PROPOSAL LABOR ATTORNEY**

The Township of Millburn, a municipal corporation with its Town Hall at 375 Millburn Avenue, Millburn, NJ 07041, through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 is soliciting proposals from qualified attorneys for the appointment and position of Township Labor Attorney for April 1, 2019 through December 31, 2019. The Township will be appointing one attorney/firm for the position/appointment. The billing guidelines attached hereto as Exhibit A shall be the contract reimbursement process.

### **POSITION/APPOINTMENT**

The position of Township Labor Attorney generally includes providing legal assistance and representation of the Township with labor and employment matters. These matters include labor negotiations, fact-finding interest arbitration, arbitrations, labor and employment counseling, PERC proceedings, disciplinary hearings and employment litigation. The Labor Attorney must be available for consultation on a daily basis and shall deal directly with the Township Administrator and Township Attorney.

### **SCOPE OF SERVICE**

Township Labor Attorney will be an attorney with significant experience with handling employee relations, labor matters and associated tasks, including but not limited to, the following:

- Engage in advanced employment law related legal counsel.
- Work with and strategize with Township administration in preparation for and throughout the contract negotiation process.
- Advise and represent in negotiations with Unions and Bargaining Groups and review all materials submitted by Unions and Bargaining Groups.
- Provide essential research work for determining the adequate adherence regarding labor

contracts terms and conditions.

- Prepare and analyze proposals and counter proposals and identify and implement bargaining strategies.
- Consult on issues concerning various aspects of employment law, including the Fair Labor Standards Act.
- Advise and represent in arbitrations.
- Consult with Township Administrator or other designated staff regarding employment matters, including New Jersey Civil Service rules, proceedings or disputes.
- Prepare and review employment related policies, rules, and procedures.
- Represent the Township in connection with court actions, appeals, administrative proceedings, grievances, arbitration, and negotiations.
- Maintain records of all action suits, proceedings and matters which relate to labor and to the Township's interest and report thereon as the Township Administrator or Township Committee may require.
- Attend meetings as may be requested by the Township Administrator

The position of Township Labor Attorney shall be an appointment from April 1, 2019 through December 31, 2019 or until a successor is appointed. The quotation is for an hourly rate for services described above. Any services not included as part of any resulting contract scope of services must be approved and authorized by the Township before such work is initiated. The Township shall pay for such approved services, at the rate or cost agreed upon between the Township and the contractor, and provided the respondent has submitted a schedule of fees for additional services with their response to this request for proposal.

## **EVALUATION**

Proposals will be evaluated by the Governing Body and Administrator on the basis of the most advantageous, with due consideration to the qualifications, experience and quotations submitted and other factors and criteria. The compensation proposal will be considered but will not be the controlling factor. The evaluation will generally consider the following criteria:

- (a) Experience and reputation in the general field of Municipal Labor Law, and in the representation of public entities, municipalities, and/or public employees in administrative proceedings and litigation in various areas relevant to labor law. As a minimum qualification, the attorney should have five (5) years of experience as a labor attorney actively representing municipalities or public entities in the State of New Jersey including

significant experience in representing municipalities of a comparable size as Millburn Township and those that are governed by the New Jersey Civil Service Commission.

(b) Knowledge of the Township's legal matters. The Township will give due weight to the familiarity of the responding attorney/firm with on-going litigation and legal matters and the capability and ability of the attorney/firm to continue such matters and costs and difficulties to be incurred, and the benefits obtained by reason of continuity in such litigation.

(c) Availability to accommodate the legal needs of the Township. As reasonable accessibility is a relevant consideration, the attorney should have an office within reasonable distance to the Township. The position requires regular contact with Township officials. The responding attorney should provide details as to its office being fully staffed and responsive, and reasonably accessible to the Township, with sufficient support staff to adequately provide services.

(d) Compensation proposal. As noted, the responding attorney should provide a proposal providing a per hour fee quotation for all attorneys/titles that will be utilized in providing services to the Township.

(e) Ethics Issues. As integrity and ethics are considerations, the responding attorney must certify that the attorney has never been reprimanded, censured, or suspended by the Supreme Court for ethics infractions. An attorney who has been reprimanded, censured, or suspended is disqualified.

(f) Confidential Position. As the position of attorney is a confidential position, the Township Governing Body to the extent permitted by law may consider such factors as potential conflicts arising with the attorney/law firm and/or clients that are represented by the attorney/law firm.

(g) Other factors in the best interest of the Township of Millburn.

## **PROPOSALS**

Proposals must be in writing and include at a minimum the following information:

(a) The name of the attorney seeking the position and the law firm the attorney is affiliated with. The resume and/or a detailed summary of the attorney's experience and qualifications relevant to the position, including a detailed statement of the attorney's current and past professional experience, appointment/positions, important or relevant cases and case citations, and work relative to the positions and the periods during which such positions or cases were performed.

(b) A description of the location and facilities that the attorney will be available at and providing services from, and the staff regularly at that office/facility, including a list of other attorneys/titles in the firm.

(c) Minimum of three references and no more than six (name, agency, title, address, email and telephone number) for recent similar or related work.

(d) A statement certifying that the responding attorney has never been reprimanded, censured, or suspended for ethics violations.

(e) Compensation proposal: Submit a proposal providing a per hour fee quotation for all attorneys/titles that will be utilized in providing services to the Township.

(f) Statement setting forth Malpractice Coverage.

(g) A copy of the attorney's State of New Jersey Business Registration Certificate and Certificate of Employee Information Report issued by the State of New Jersey.

**NOTE:** All required documentation under the New Jersey Local Public Contracts Law will be required to be submitted prior to the signing of a contract with the Township of Millburn.

### **PROPOSAL SUBMISSION**

Sealed proposals will be received by the Township of Millburn, County of Essex, State of New Jersey, in the **Administrator's Office at 375 Millburn Avenue, Millburn, New Jersey**, on **Friday, January 30, 2019, until 3:45 p.m.**, prevailing time, and at that time will be publicly opened and read.

The proposal (an original and 7 copies) must be enclosed in a SEALED ENVELOPE, properly endorsed with the name of the bidder, with the designation "TOWNSHIP OF MILLBURN, SEALED PROPOSAL, 2019 PROFESSIONAL SERVICES – TOWNSHIP LABOR ATTORNEY, FRIDAY, JANUARY 30, 2019, 3:45 p.m." Proposals submitted by facsimile or email will not be accepted.

After receipt, the Township of Millburn will review and evaluate the proposals and qualifications. In the absence of unusual circumstances, the Township Council anticipates adopting a resolution appointing the Municipal Township Attorney on March 19, 2019 at their regular Committee Meeting.

The Township reserves the right to reject any and all proposals and waive any informality or non-conformity in any submission to the extent that it is lawful and in the best interest of the Township. To the extent permitted by law, the Township reserves the right to negotiate with qualified attorneys after the submission of proposals.

Any questions regarding this proposal/process should be submitted in writing to Alexander McDonald, 375 Millburn Avenue, Millburn, New Jersey 07041, (973) 564-7748 FAX or email [administrator@millburntwp.org](mailto:administrator@millburntwp.org).

ALEXANDER MCDONALD  
TOWNSHIP ADMINISTRATOR

## EXHIBIT A

# ATTORNEY BILLING GUIDELINES

### ALLOWABLE CHARGES AND RELATED PROCEDURES:

#### A. Limitation on number of attorneys and billable time

1. Only one attorney may bill for participation in Township legal matters, unless specifically agreed to by the Township Administrator in advance in writing.
2. Inter-office conferences among counsel are viewed as an internal law firm management tool and are not compensable. This description of non-billable time includes time spent by new attorneys familiarizing themselves with a case. Furthermore, retrieval and forwarding of voice mail messages shall not be billable occurrences.
3. Counsel shall identify the attorneys who will handle a file on a consistent basis. The number of attorneys involved in a matter is to be kept at a minimum and prior to assigning additional attorneys to work on a matter, notification and approval must be obtained from the Township Administrator.
4. The Township of Millburn does not pay for travel time to and from Millburn. Travel time to and from Court and PERC will be paid.

#### B. Legal Research

1. Research of topics by electronic means will be reimbursed at cost.
2. Repetitive research which duplicates prior research conducted in other matters on the same issue will not be allowed. However, reasonable time to locate, update and modify prior research for use in a new case is compensable.

### NON-BILLABLE CHARGES:

#### A. Secretarial and Clerical Activities

Not billable to the Township

1. Examples Include:
  - a) Mail handling

- b) New file set up
  - c) Calendar maintenance
  - d) Transcribing
  - e) Copying
  - f) Posting
  - g) Faxing
  - h) Data entry
  - i) Routine scheduling
  - j) Enclosure or transmittal letters
2. File Management:
- a) Inserting/retrieving documents
  - b) File organization
  - c) Assembling materials

**BILLING PROCEDURES:**

**A. Time Charges**

- 1. Only actual time for each task
- 2. Must be in 1/10-hour increments
- 3. Must be services an attorney would provide and not services that can be provided by a secretary or paralegal

**B. Single Entry Time**

- 1. Applies if activity time greater than 1/10 hour
- 2. One activity per entry

### C. Services Description

1. Description of Service to include:
  - a) Nature (e.g. "call to...")
  - b) Activity/project to which work relates with specific identifier (e.g. "Civil Service Appeal – John Doe" or "Matter #4")
2. Generic descriptions not allowed, e.g.:
  - a) "Review File"
  - b) "Attention to"

### **DISBURSEMENTS - INTERNAL**

The Township does not pay law office overhead.

The Township pays actual expense without markup.

#### A. Itemization

1. Itemization should appear on bills unless documentation is included with bills:
  - a) Date
  - b) Specific description (i.e., telephone, Photo, cc)
  - c) Cost

#### B. Telephone

1. The Township does not pay for telephone charges except those which are out of state.

#### C. Clerical Services

1. The Township will not pay for either regular or overtime clerical services.
2. Work which should be done by secretaries:
  - a) Making copies

- b) Faxing documents
- c) Scheduling depositions, hearings, etc.

## **DISBURSEMENTS – EXTERNAL**

The Township will only pay actual costs – no markup allowed

### **A. Itemization**

1. External expenses included on attorney's bill

Include:

- a) Name of vendor
- b) Date of service
- c) Description of service
- d) Cost

### **B. Express Mail/Messenger Fees**

1. Use only as necessary and for reasons beyond firm's control.
2. Courier/Messenger services shall only be used when necessary.

### **C. Documentation**

1. Firm must supply receipts/documentation or copy of invoice for all expenses.

### **D. External Professional Service**

1. Billing attorney must consult the Township Administration before hiring experts, consultants, investigators, etc. in all cases.