REQUEST FOR PROPOSALS

July 19, 2019

CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS
Pee Dee Council of Governments
Santee Lynches Council of Governments

HUMAN RESOURCES ADVISORY SERVICES

The Central Midlands Council of Governments (CMCOG) is hereby issuing this Request for Proposals (RFP) to firms that have the capability and interest in undertaking and performing the scope of work described below. Each firm is officially a CONSULTANT. Each CONSULTANT must submit a package containing an original and eight (8) copies of its proposal to CMCOG no later than 2:00 p.m. on August 16, 2019 to Reginald Simmons, Deputy Executive Director/Transportation Director, CMCOG, 236 Stoneridge Drive, Columbia, SC 29210. Proposals may be submitted in person, by messenger, or by regular mail. All proposals will be logged in and date and time stamped. Any proposal package that is received after the date and time specified will be logged and date and time stamped as “late” and returned unopened to the CONSULTANT.

Proposals shall include the following information:

1. Proposals must not be more than the equivalent of 25 single sided 8 ½ by 11-inch pages in length (not counting the front and back covers of the proposal, section dividers that contain no information or the cover letter). The font size should be no smaller than 12 pt.

2. Letter of Interest: The Letter of Interest should be no longer than one (1) page and shall contain the following items:
   a. An expression of the Prime Consultant’s interest in being selected for the project.
   b. A statement confirming the commitment of key personnel identified in the submittal to the extent necessary to meet CMCOG’s quality and schedule expectations.
   c. Provide the name of the Prime Consultant Principal, Officer of the CONSULTANT or Project Manager responsible for this contract and has authority to sign the contract for consultant.
   d. Identification of the prime consultant number of employees, business license number, and Federal ID number.
   e. Signing the letter of interest constitutes authorization of consultant to submit qualification for the purpose of negotiating and entering a contract with CMCOG.
   f. Certification of authorized submitter that information contained within is correct by including: “I certify that the information included within this document, is to the best of my knowledge, correct as of the date indicated”.

3. Project Organization Chart: - Limited to one (1) side of one sheet of paper. This chart must include the names of the key individuals selected for this project, their roles on the project, the names of the consultant by which they are employed, and the lines of communication, to include functional structure, levels of management and reporting relationships for key individuals, and major functions to be performed in managing and developing the project. It shall also indicate the people who will be points of contact with the CMCOG Project Manager.

4. Provide a list of references who have personal knowledge of the prime consultant’s and the sub-consultant's previous performance. Provide three (3) client references each for both the prime and
the sub-consultant(s). The references must include verified addresses, email addresses and telephone numbers, contact persons, and a brief description of services that have been provided similar to those described by CMCOG for this project. References shall be shown on separate sheets (limited to one (1) single-sided sheet; one sheet for the prime and one sheet for each sub proposed).

5. Summary of how the CONSULTANT charges fees for the services described in this RFP, including specific hourly rates for key personnel and/or alternative proposed fees or fee structures, including an all-inclusive fee for services. The proposal should be based on the prospect that the HR Consultant(s) may be engaged for an initial term of 3 years and may include 2 renewal options for a period of 1 year each, terminable at the desire of either party with 60-days notice.

6. Evidence that the CONSULTANT has previous experience in providing human resource services, specifically in Evaluating and providing advice concerning employee compensation and benefits, including conducting compensation surveys, providing general employment information and guidance, assisting COGS with recruitment efforts, advising COGS on employee relations matters and all other services usually necessary and required of HR Consultant(s), whether specifically outlined in the scope of services or not.

7. Experience, if any, providing specifically, support to non-profits and governmental entities;

8. Statement of the CONSULTANT's equal employment opportunity policy to include recruiting policies and hiring practices

9. Identify public entities (full address and telephone number required) that have engaged the CONSULTANT as HR Consultants since 2015. Indicate whether the CONSULTANT continues to serve as HR Consultants to such entities and state whether any such entities have terminated the HR Consultants relationship and why.

10. Identify any litigation (including any formal administrative proceedings) in which the CONSULTANT is currently involved or has been involved since 2015. Indicate the current status or disposition of such litigation proceedings.

11. Identify all lawsuits, complaints or other filings against the CONSULTANT regarding equal employment, discrimination or sexual harassment and the disposition of any such matter.

12. Indicate if the consultant is available to have staff on site in our Columbia, Sumter, and/or Florence, SC offices.

13. Disclose all contractual or informal business arrangements/agreements, including fee arrangements and consulting agreements, between the responding CONSULTANT and the Councils of Governments and/or their Board, or any entity that provides services to the Councils of Governments;

14. Indicate any formal or informal relationship the CONSULTANT or staff has with any corporation, consultant, or other person which could create a conflict of interest or the appearance of a conflict with the CONSULTANT's services as HR Consultants;

CONSULTANT SELECTION PROCESS

The CONSULTANT will be evaluated based on the selection process. There will be an evaluation of the CONSULTANT’s technical proposal using the selection criteria below. The proposals will be reviewed to determine which proposals receive the highest scores. The selection of the CONSULTANT will be determined by the highest total technical and cost proposal from the evaluation process. Please be advised that if a minimum of three proposals are not received, then CMCOG will document the number of proposals received and seek guidance before proceeding with this procurement process.

All proposals received shall be subject to an evaluation by CMCOG, assisted by other technical personnel as deemed appropriate for the purpose of selecting the CONSULTANT with whom a contract will be
executed. CMCOG reserves the right to reject any and all proposals in whole or in part if in the judgment of CMCOG, the best interest of all parties will be served.

The selection of the successful CONSULTANT will be made solely by CMCOG. There will be no pre-proposal conference conducted. However, the CONSULTANT may ask questions to discuss the contents of this RFP and the expectation of CMCOG related to this human resources advisory services project. All questions or request for clarifications regarding this RFP shall be submitted no later than 12:00 p.m. Wednesday, July 31, 2019 to Reginald Simmons, Deputy Executive Director /Transportation Director, CMCOG, 236 Stoneridge Drive, Columbia, SC  29210. Questions may be submitted in writing or by email to rsimmons@centralmidlands.org.  No telephone inquiries shall be accepted.  All questions submitted and their answers will be promptly placed on the CMCOG website at www.centralmidlands.org.

If in the judgment of CMCOG, changes in the contents of the RFP are required, an addendum will be issued by CMCOG. Any addendum that may be issued will be posted on the CMCOG website at www.centralmidlands.org by 5 p.m. on Monday, August 5, 2019. The CONSULTANT will be required to provide a written letter to acknowledge their receipt of the addendum and inclusion as part their submission. This additional letter shall be one (1) page and will not subject to the page limit requirement.

Due to potential conflict of interest, no CONSULTANT or a person representing a CONSULTANT may arrange or meet with the individual members of CMCOG to discuss any items or matters related to this RFP during the period of time between the date of the release of this RFP and the date CMCOG makes the decision selecting the successful CONSULTANT.

CMCOG shall rank each proposal against the stated criteria. CMCOG reserves the right to contact a CONSULTANT to obtain written clarification of information submitted and to contact references to obtain information regarding performance reliability and integrity.

The evaluation criteria and the percentage of their importance in making the selection are:

**EVALUATION CRITERIA**

CONSULTANTS will be evaluated using only the factors stated below. Evaluation factors are stated in the relative order of importance.

**Qualifications and Experience (25%)**

The ability of a prospective CONSULTANT will be evaluated under the terms of the RFP relative to having demonstrated experience and capabilities needed to successfully perform all aspects of the Project.

**Technical Proposal (25%)**

This refers to the technical soundness and suitability of the CONSULTANT’S stated approach to the project, the comprehensiveness of the proposed approach, and the techniques to be used. A determination will also be made as to the CONSULTANT’S understanding of the project purpose and goals as presented in the RFP. Evaluation will be based on the data presented in the CONSULTANT’S proposal, and the approach and allocation of time on specific tasks. CONSULTANTS should feel free to suggest other requirements and problems that may have been overlooked.
Cost Proposal (50%)

Points for cost will be assigned by the procurement officer and will not be subject to review by the evaluation committee. The lowest total cost proposal for the proposed services will receive the maximum points allowed and all other CONSULTANTS will be assigned points on a pro rata basis.

Identify the total cost and all-inclusive fees for the Human Resource Advisory Services, to include either a monthly or yearly cost. **The cost proposal must be submitted under separate, sealed cover, and must be clearly identified as such with the works “COST PROPOSAL for HR Services” labeled on the front of the cost proposal package.**

At the end of the selection process, CMCOG will list the three (3) top ranked firms. Based on the evaluations of the submitted proposals, CMCOG will select the top ranked firm and negotiations will begin immediately to finalize the scope of work, personnel, hours, hourly rates, use of sub-CONSULTANTS, and other direct costs that will be required to complete the agreement between CMCOG and the selected firm. If an agreement cannot be reached with the top ranked firm, CMCOG will formally terminate negotiations with the top ranked firm and will begin negotiations with the second ranked firm and the negotiation phase will be repeated. If an agreement cannot be reached with the second ranked firm, CMCOG will formally terminate negotiations with the second ranked firm and will begin negotiations with the third ranked firm and the negotiation phase will be repeated. If an agreement cannot be reached with the third ranked firm, CMCOG will reconsider the project for re-solicitation. CMCOG reserves the right to reject any and all proposals received, and in all cases the CMCOG will be the sole judge as to whether a CONSULTANT’s proposal has or has not satisfactorily met the requirements of this RFP.

DISADVANTAGED BUSINESS ENTERPRISE

It is the policy of the CMCOG to ensure nondiscrimination in the award and administration of contracts and to use Disadvantaged Business Enterprises (DBEs) in all types of contracting and procurement activities according to State and Federal laws. To that end the CMCOG has established a DBE program in accordance with regulations of the United States Department of Transportation found in 49 CFR Part 26. Each CONSULTANT is encouraged use certified DBEs to meet the tasks and milestones of this request.

NOTICE OF AWARD

Notice of “Intent to Award Contracts” will be posted on the CMCOG web site. In addition, a notice will be mailed to CONSULTANTS, informing them of the success, or lack thereof, of their proposal to receive an award.

APPEAL POLICY

CONSULTANTS dissatisfied with the decisions regarding contract award can appeal to CMCOG. The protest must be filed in writing by the authorized signatory official for the CONSULTANT addressed to Ben Mauldin, CMCOG Executive Director, within ten working days of the announcement of the contract awards. Announcement of our “Intent to Award Contracts” will be posted on the CMCOG web site. The ten working days to file appeals will begin on the date the “Intent to Award Contracts” is posted on the web site. All CONSULTANTS are encouraged to review CMCOG’S website (www.centralmidlands.org) daily during the RFP evaluation period. CMCOG will not consider appeals from individuals or organizations that do not have standing to appeal nor from sub-CONSULTANTS of parties with which contracts have been placed. The signature of a party on an appeal document constitutes a certification by the signer that
the signer has read the document and to the best of their knowledge, information, and belief and, after reasonable inquiry, it is well grounded in fact. It must be warranted by existing law or by a good faith argument, and that it is not submitted for any improper purpose such as to harass, limit competition, or cause unnecessary delay or needless increase in the cost of the procurement or the appeal. The cost of the appeal will be borne solely by the appealing organization or individual. CMCOG will issue a written decision in accordance with its contract appeals procedures. Frivolous appeals will not be addressed by CMCOG. The decision of CMCOG is final. There will be no formal debriefing on CMCOG decisions on the appeal.

INSURANCE

The CONSULTANT shall effect and maintain insurance at its own cost and expense to protect itself and the CMCOG from claims under Workers’ Compensation Acts; from claims for damages because of bodily injury including sickness, disease, or death of any of its employees or other parties; from claims for damages because of injury to or destruction of tangible property; and from claims arising out of the performance of professional services caused by errors, omissions, or negligent acts for which it is legally liable, each in the amount of $1,000,000 or statutory amount as applicable.

FUNDING

Funding for this project will be provided through local government funding sources. Costs incurred prior to notice-to-proceed will be the responsibility of the CONSULTANT and will not be reimbursed. All travel expenses prior to notice to proceed shall be at the CONSULTANT’s expense.

PROPOSED TIMEFRAME

The proposed timeframe for this study is as follows:

<table>
<thead>
<tr>
<th>RFP Release Date:</th>
<th>July 19, 2019 at 2 p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline to Receive Questions:</td>
<td>July 31, 2019 at 12 p.m.</td>
</tr>
<tr>
<td>Request for Proposals Due:</td>
<td>August 16, 2019 at 2 p.m.</td>
</tr>
<tr>
<td>Intent to Award:</td>
<td>August/September 2019</td>
</tr>
</tbody>
</table>
HUMAN RESOURCES ADVISORY SERVICES
FOR COUNCILS OF GOVERNMENTS

SCOPE OF WORK

INTRODUCTION

The Central Midlands, Pee-Dee and Santee-Lynches Council of Governments (COGS) are soliciting responses from CONSULTANTs to provide “on-call” Human Resources Advisory Services. The Councils of Government are made up of administrative and professional staff. CONSULTANTs responding must demonstrate a history of providing expert advice to governmental agencies, including but not limited to advice in the areas of: Employment Laws and Regulations, Performance Management, Conflict Management and Resolution, Organizational Enhancement, and Benefits and Compensation.

The COGS will use the services of the successful CONSULTANT (contractor) from time to time as needed. The COGS have designated what it believes to be estimated services it will require in some of the Human Resource (HR) areas that are the subject matter of this solicitation. At any time during the term of the contract awarded hereunder, the COGS may increase or decrease the scope of the services necessary to accomplish the general purpose of the contract.

The Councils of Government (COGS) are regional entities of county and municipal governments, established by the South Carolina General Assembly in 1967. The COGS provide a regional forum to discuss issues that are particular to their region. In banding together at the regional level, the voice of one community becomes the voice of many, this providing a better opportunity for those issues to be addressed.

SCOPE OF SERVICES

The services to be provided by HR Consultant may include, but shall not be limited to, the following:

1. Evaluating and providing advice concerning employee compensation and benefits, including conducting compensation surveys.
2. Providing general employment information and guidance.
3. Complete HR Compliance Review (review/update Employee Handbook)
4. Advising COGS on employee relations matters.
5. All other services usually necessary and required of HR Consultant(s), whether specifically outlined in the scope of services or not.

SCHEDULE

The CONSULTANT must agree to begin work upon issuance of a notice to proceed by CMCOG. The work shall be guided by a detailed flow diagram, prepared by the CONSULTANT and furnished to the CMCOG within one week of receipt of notice to proceed, and approved by CMCOG.
PROPRIETARY/CONFIDENTIAL INFORMATION

Trade secrets or proprietary information submitted by a CONSULTANT in connection with a procurement transaction shall not be subject to public disclosure under the Freedom of Information Act; however, the CONSULTANT must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state reasons why protection is necessary. Disposition of material after award is made should be stated by the CONSULTANT. No information, materials or other documents relating to this procurement will be presented or made otherwise available to any other person, agency, or organization until after award.

All CONSULTANTS must visibly mark as "Confidential" each part of their proposal that they consider to contain proprietary information. All unmarked pages will be subject to release in accordance with the guidelines set forth under Chapter 4 of Title 30 (The Freedom of Information Act) South Carolina Code of Laws and Section 11-35-410 of the South Carolina Consolidated Procurement Code. Privileged and confidential information is defined as "information in specific detail not customarily released to the general public, the release of which might cause harm to the competitive position of the part supplying the information." The examples of such information provided in the statute includes: customer lists, design recommendations and identification of prospective problem areas under an RFP, design concepts to include methods and procedures, and biographical data on key employees of the CONSULTANT.

Evaluative documents pre-decisional in nature such as inter or intra-agency memoranda containing technical evaluations and recommendations are exempted so long as the contract award does not expressly adopt or incorporate the inter- or intra-agency memoranda reflecting the pre-decisional deliberations.

Marking the entire proposal confidential/proprietary is not in conformance with the South Carolina Freedom of Information Act.

CONSULTANT’S ACKNOWLEDGEMENT

By submitting a response to this RFP, each CONSULTANT unequivocally acknowledges that the CONSULTANT has read and fully understands this RFP, and that the responder has asked questions and received satisfactory answers from COGs regarding any provision of this RFP with regard to which the CONSULTANTS desired clarification. All written and electronic correspondence, printed material, exhibits, appendices, photographs, and reports submitted in response to all sections of this RFP process are, upon their receipt by CMCOG, the property of CMCOG and may not be returned.
APPENDIX A

REQUIRED FORMS

The following completed forms are required to be returned with each proposal:

- Certificate of Non-Collusion
- Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters
- Certification of Restrictions on Lobbying
- Certification of Consultant
- Disclosure of Potential Conflict of Interest Certification
CERTIFICATE OF NON-COLLUSION

By submission of proposal, each person signing on behalf of any consultant certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

1) The proposal is submitted without collusion, consultation, communication, or agreement for the purpose of restricting competition, with any other bidder or with any competitor;

2) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

____________________________________
Company Name

____________________________________
Authorized Signature

__________________
Date

SWORN AND SUBSCRIBED before me

this ________ day of ____________, 201__.

My commission expires __________________________.

_____________________________________________
Notary Public
CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The prime consultant, _______________________________ certifies to the best of its knowledge and belief, that it and its principals:

1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.

If the prime consultant is unable to certify to any of the statements in this certification, the consultant shall attach an explanation to this certification.

The primary consultant, _______________________________ certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Sections 3801 et seq, are applicable thereto.

____________________
Signature and Title of Authorized Official

____________________
Date
CERTIFICATION OF RESTRICTIONS ON LOBBYING

The consultant certifies, to the best of its knowledge and belief, that:

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal department or agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification thereof.

2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions (as amended by “Government wide Guidance for New Restrictions on Lobbying,” 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.).

3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.


________________________Signature of the consultant’s Authorized Official

________________________Name and Title of the consultant’s Authorized Official

________________________Date
CERTIFICATION OF CONSULTANT

I hereby certify that I am the duly authorized representative of CONSULTANT and that neither I nor the above CONSULTANT I here represent has:

a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this contract;

b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or

c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract except as here expressly stated (if any);

d) either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted proposal.

By execution of this Agreement, CONSULTANT certifies CONSULTANT and all sub-consultants, contractors, employees and agents will comply with South Carolina’s Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended. The following statutes require special attention: (a) Offering, giving, soliciting, or receiving anything of value to influence action of public employee - §8-13-790, 8-13-705, 8-13-720; (b) Recovery of kickbacks - §8-13-790, (c) Offering, soliciting, or receiving money for advice or assistance of public official - §8-13-720, (d) Use or disclosure of confidential information - §8-13-725, (e) Persons hired to assist in the preparation of specifications or evaluation of bids - §8-13-1150, (f) Solicitation of state employees - §8-13-755, §§8-13-760 and §8-13-725. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision.

I acknowledge that this certificate is to be furnished to the Department, the Federal Highway Administration, and the U. S. Department of Transportation, and is subject to applicable State and Federal laws, both criminal and civil.

CONSULTANT

____________________________________
Name of Consultant

By: _________________________________

Date: _________________   Its: __________________________________
DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION

Consultant hereby indicates that it has, to the best of its knowledge and belief has:

_____ Determined that no potential organizational conflict of interest exists.
_____ Determined a potential organizational conflict of interest as follows:

Attach additional sheets as necessary.

1. Describe nature of the potential conflict(s):

2. Describe measures proposed to mitigate the potential conflict(s):

________________________________________    ________________
Signature           Date

________________________________________
Print Name

________________________________________
Company

If a potential conflict has been identified, please provide name and phone number for a contact person authorized to discuss this disclosure certification with Department of Transportation contract personnel.

________________________________________    ________________
Name            Phone

________________________________________
Company

Request for Proposals: Human Resources Advisory Services for Councils of Governments