



**Legislative
Coordinating Commission**

REQUEST FOR PROPOSALS

Consulting services to recommend best practice options
and prepare a report for consideration of
collective bargaining for employees of the
Minnesota State Legislature

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Consulting services to recommend best practice options and prepare a report for consideration of collective bargaining for employees of the Minnesota State Legislature

Solicitor:	Minnesota Legislative Coordinating Commission (LCC) on behalf of the Minnesota Legislature.
Eligible Respondents:	Law firms, or other organizations, with expertise in labor relations and familiarity with legislative work and process
Deadline for Questions Regarding the RFP:	Questions regarding the RFP must be received by the LCC by 4:00 p.m. (CT) on Wednesday, July 10, 2024.
Deadline for Receipt of Proposals:	Proposals must be received by the LCC by 4:00 p.m. (CT) on Monday, July 22, 2024. Late proposals may not be accepted.
Proposal method:	Proposals may be submitted in writing, by fax or electronically by email. Email submissions are preferred.
Deliver Proposals to:	Attn: Michelle Yurich, Executive Director Minnesota Legislative Coordinating Commission 1st Floor, Centennial Office Building, 658 Cedar St. St. Paul, MN 55155 Fax: (651) 297-3697 Email: michelle.yurich@lcc.mn.gov . Emailed proposals are encouraged.
Contact Person:	Michelle Yurich, Executive Director Minnesota Legislative Coordinating Commission 1 st Floor, Centennial Office Building, 658 Cedar St. St. Paul, MN 55155 (651) 296-2963 (voice) Email: michelle.yurich@lcc.mn.gov
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Summary

The Legislative Coordinating Commission, on behalf of the Minnesota Legislature, is requesting proposals from law firms with labor relations expertise and familiarity with legislative work and processes to develop recommendations for best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the House of Representatives, the Minnesota Senate, and joint legislative offices.

Background

Under current law, staff of the Minnesota legislature are primarily unclassified unrepresented employees. Certain employees within the Offices of the Legislature Auditor (OLA) are classified unrepresented employees under [Minn. Statute 3.971, subd. 2](#)

There are three Appointing Authorities: the Minnesota Senate (Senate), the House of Representatives (House), and the Legislative Coordinating Commission (LCC). The House employs approximately 308 staff, the Senate employs approximately 244 staff, and the LCC employs approximately 180 staff of which approximately 60 are classified unrepresented employees within the Office of the Legislature Auditor. Approximately 64% of the House and 63% of the Senate employees are partisan staff, with the remaining staff non-partisan. All employees of the LCC are non-partisan.

A variety of positions exist across the legislature. Common classes of employees include but are not limited to:

- committee administrative and policy support staff
- attorneys, policy analysts, and legal editors
- auditors and program evaluators
- budget and fiscal analysts
- legislators' support staff
- support staff under the Secretary of the Senate or the House Chief Clerk's office
- information technology staff
- media broadcast and public information staff
- librarians
- budget, accounting, and human resources staff

Basic personnel and benefits for legislative staff, with the exception of classified employees in the OLA, are determined by the LCC Legislative Plan for Employee Benefits and Policies, available at: [http://www.commissions.leg.state.mn.us/lcc/bnftbook/2024-25 Benefit Book Changes Final which is adopted by the legislature every two years](http://www.commissions.leg.state.mn.us/lcc/bnftbook/2024-25%20Benefit%20Book%20Changes%20Final%20which%20is%20adopted%20by%20the%20legislature%20every%20two%20years). House and Senate employee salary plans that provide for salary increases and the establishment of ranges are adopted by resolution by the House and Senate Rules Committees. resolutions adopted by the House and Senate Rules Committees. The executive director of the LCC, after consultation with the legislative leadership, determine salary plans, increases, and ranges for

staff of joint legislative offices. Salary increases and ranges for classified employees of the OLA are as determined in the OLA salary plan which must be reviewed by the LCC and ratified by the Legislature as required by [Minn. Statutes 3.855, subd. 3.](#)

The LCC has entered into an agreement with the National Conference of State Legislatures (NCSL) to prepare a report on the status of collective bargaining rights for employees in state legislatures throughout the nation. This report is anticipated to be submitted to the LCC by August 30, 2024.

The LCC has also entered into an agreement with the Center for Effective School Operations (CESO) to conduct a survey of all legislative employees and interviews with a random sampling of employees as well as the heads of nonpartisan offices, the executive director of the LCC, the chief clerk of the House, the secretary of the Senate, and the human resource directors in each body. The staff survey and interviews are anticipated to take place in July and August 2024.

Tasks

Under [2023 Minn. Laws, Chapter 62, Article 2, Section 130](#), the primary responsibility of the consultant is to develop a report by November 1, 2024, that:

1. examines issues related to collective bargaining for employees of the House of Representatives, the Minnesota Senate, and joint legislative offices; and
2. provides recommendations for best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the House of Representatives, the Minnesota Senate, and joint legislative offices.

To fulfill this responsibility the consultant will take into consideration the report being completed by NCSL and the findings from the survey and interviews conducted by CESO.

The consultant must prepare and submit a report on the consultant's findings and recommendations by November 1, 2024. At a minimum, the final report must include a detailed overview on the employee survey and interviews as well as address considerations on the following issues:

- a. employees of the House, Senate, and joint legislative offices for whom collective bargaining may or may not be appropriate;
- b. mandatory, permissive, and prohibited subjects of bargaining;
- c. who would negotiate on behalf of the House, Senate, and joint legislative office, and which entity or entities would be considered the employer for purposes of bargaining;
- d. definitions for relevant terms;

- e. common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;
- f. procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;
- g. the efficiency and feasibility of coalition bargaining;
- h. procedures for approving negotiated collective bargaining agreements;
- i. procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements;
- j. an analysis of the National Conference of State Legislatures report to be provided to the LCC by August 1, 2024, and an analysis of approaches taken by other state legislatures that have authorized collective bargaining for legislative employees; and
- k. draft legislation for any statutory changes needed to implement recommendations of the consultant related to the collective bargaining process for legislative employees.

The LCC anticipates that a panel of former non-partisan legislative staff who are representative of the House, Senate, and joint legislative agencies will assist the consultant in assessing the feasibility of the options considered. The LCC will also provide office and meeting space and facilitate access to NCSL personnel and data obtained via the surveys and interviews completed by CESO.

Specifications

Upon receipt and evaluation of qualified proposals, the LCC will negotiate the specific terms of the contract. The services are to be performed in accordance with the enclosed specifications and general conditions.

1. The contract for services is anticipated to be effective August 15, 2024, through the submission of the report on November 1, 2024, but may be extended upon mutual agreement of both parties.
2. The payments to the contractor are the sole compensation for services. Payment of federal income tax, FICA payments, and state income tax for any of the contractor's employees is the responsibility of the contractor.
3. The contractor will invoice for services provided at periodic intervals and in an agreed

format as negotiated.

Contents of Proposal

Proposals must include:

1. A description of the contractor's expertise in labor relations in both unionized and non-unionized environments.
2. A description of the contractor's experience and familiarity with the state legislative work and processes.
3. A description of the contractor's knowledge and experience with public sector collective bargaining. Please note if this experience includes a legislative environment.
4. A description and schedule of the consultant's proposed process to prepare, develop, and complete the required report.
5. An amount for total consulting costs that is broken out by an hourly rate and a deliverable schedule.
6. A listing of the contractor's professional credentials, experience, resume, or applicable licensing.
7. No less than two professional references for whom the contractor has provided similar services which may include a brief description of the contractor's service. The LCC may contact the references to verify the extent and the quality of services provided.

Consideration of Proposals

The LCC reserves the right to reject any or all proposals, the right to waive any irregularity, the right to enter into a contract that varies from the specifications or general conditions, and the right to negotiate at any time with those that submit proposals or with any other party. The LCC will not necessarily select the proposals that offer the lowest price; the LCC reserves the right to consider price, quality, experience, reliability, convenience, or any other factors deemed relevant.

Questions Regarding the Proposal

Please submit all questions regarding this Request for Proposals via email by 4:00 p.m. (CT) Wednesday, July 10, 2024, to: Michelle Yurich at: michelle.yurich@lcc.mn.gov

A compiled list of questions received and responses provided will be posted to

<https://www.lcc.mn.gov/RFPs.html> by 4:00 p.m. (CT) on Monday, July 15, 2024.

Due Date for Proposals

Proposals must be received by the LCC by **4:00 p.m. (CT) on Monday, July 22, 2024**. Electronic submissions are encouraged and can be emailed to the address below. Proposals must be submitted to:

Michelle Yurich, Executive Director
Legislative Coordinating Commission
1st Floor Centennial Office Building, 658 Cedar Street
St. Paul, MN 55155
(651) 296-2963(voice)
(651) 297-3697 (fax)
Email: michelle.yurich@lcc.mn.gov

General Terms and Conditions

- A. "LCC" means the Minnesota Legislative Coordinating Commission. In matters arising out of this proposal or out of any resulting contract, the authorized agent for the LCC is the Chair of the Legislative Coordinating Commission or the Director of the Legislative Coordinating Commission.
- B. The LCC reserves the right to reject any and all consultant proposals received as a result of this Request for Proposals, or to negotiate separately with any consultant in any manner necessary.
- C. The LCC reserves the right to require a consultant to make an oral presentation of its proposal to the LCC to permit and develop the specifics of a consultant's proposal.
- D. The LCC is not responsible for any cost incurred by the consultant in responding to this Request for Proposals.
- E. Payment for any contract entered into as a result of the Request for Proposals will be made on a negotiated periodic basis after receipt of billings accompanied by the appropriate verification of work time and satisfactory completion of tasks to billing date. In accordance with Minnesota Statutes 3.225, subdivision 6, paragraph (b), no more than 90 percent of the amount due under the contract may be paid until the LCC's authorized agents have certified that the consultant has satisfactorily fulfilled the terms of the contract.
- F. All contractors and subcontractors must conform to the labor laws of the State of Minnesota, and to all other laws, ordinances and legal requirements affecting the work in this state. The consultant must conform with and agree to the provisions of Minnesota Statutes, Section 181.59, which prohibits discrimination in the hiring of labor by reason of race, creed, or color. That statute reads as follows:

*181.59 DISCRIMINATION ON ACCOUNT OF RACE, CREED OR COLOR
PROHIBITED IN CONTRACT.*

Every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the contractor agrees:

That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or Vendor, shall, by reason of race, creed, or color,

discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates;

That no contractor, material supplier, or Contractor, shall, in any manner, discriminate against, or intimidate, or present the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color;

That a violation of this section is a misdemeanor; and

That this contract may be cancelled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

- G. In accordance with Minnesota Statutes, section 176.182, the consultant must provide to the LCC acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes, section 176.181, subdivision 2.
- H. If the amount of any contract entered into as a result of the Request for Proposals exceeds \$100,000 and the consultant has employed more than 40 full-time employees in this state or in the state in which the consultant has its primary place of business on a single working day in the 12 months immediately preceding the due date for the proposal, the consultant must comply with the affirmative action plan requirements of Minnesota Statutes, section 363A.36, as follows:
- 1) If the 40 full-time employees were employed in Minnesota, consultant must, prior to submission of the proposal, either have a certificate of compliance issued by Minnesota Commissioner of Human Rights or that commissioner must have received from the consultant an application for such a certificate. Prior to signing a contract resulting from a successful proposal, the consultant must have the certificate of compliance.
 - 2) If the consultant did not have more than 40 full-time employees in Minnesota but did have that number in another state in which the consultant has its primary place of business, the consultant must, prior to signing a contract resulting from a successful proposal, either have a certificate of compliance issued by the Minnesota

Commissioner of Human Rights or certify that the consultant is in compliance with federal affirmative action requirements.

- I. As required under Minnesota Rules, part 5000.3600, subpart 9: Minnesota Statutes, section 363A.36, and Minnesota Rules, parts 5000.3400 to 5000.3600, are hereby incorporated into this Request for Proposals and will be incorporated into any resulting contract, by reference. A copy of that statute and those rules are available to the consultant from the LCC upon request.
- J. As required by Minnesota Statutes, section 270C.65 subdivision 3, a consultant must provide to the LCC either its federal taxpayer identification number, its Social Security number, or its Minnesota tax identification number (if applicable). This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in action to require consultant to file state tax returns and pay delinquent state tax liabilities. A contract will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in approving the contract and the payment and audit of state obligations. These numbers will not be made available to any other person without the express written permission of the consultant.
- K. As required under Minnesota Statutes 3.227, the consultant must certify its compliance with Minnesota Statutes chapter 3, including the non-discrimination provisions of Minnesota Statutes, section 3.226, in the execution and performance of any contract entered into as a result of the Request for Proposals.
- L. All data and information supplied to the consultant by the LCC under any contract entered into as a result of the Request for Proposals, and all work products and interim and final reports prepared by the consultant in the performance of its obligations under any contract entered into as a result of the Request for Proposals, are the property of the LCC and must be remitted to the LCC upon completion or termination of this agreement. The consultant must not use, willingly allow the use of, or cause to have the materials used for any purpose other than performance of the obligations under this agreement without the prior written consent of the LCC.
- M. Work must begin within the timeframe set in the signed contract between the LCC, and the consultant which may be extended upon mutual agreement of both parties. The signed contract will terminate upon full performance by all parties of the contract agreement.
- N. Any contract entered into as a result of the Request for Proposals may be terminated by the LCC as permitted under Minnesota Statutes 3.225, subdivision 6, in whole or in part, whenever the LCC determines that termination is in the interest of the LCC. The LCC will pay all reasonable costs associated with the contract that the consultant has incurred up

to the termination date of the contract and all reasonable costs associated with termination of the contract.

Excerpt

Minnesota 2023 Session law, Chapter 62, Article 2

Sec. 130. PREPARATORY WORK ON EXCLUSIVE REPRESENTATION AND COLLECTIVE BARGAINING FOR LEGISLATIVE EMPLOYEES.

Subdivision 1. Legislative employee collective bargaining report. The executive director of the Legislative Coordinating Commission must request that the National Conference of State Legislatures prepare a report on the status of employee collective bargaining rights in state legislatures. The requested report must identify existing legislatures that engage in collective bargaining with their employees and, as applicable, the organizational structure and procedures adopted to accommodate employee bargaining within those legislative workplaces, including any structures or procedures that balance the rights of employees to bargain against the constitutional duty of a legislature to conduct necessary business, and any structures or procedures to accommodate the distinction between employees assigned to nonpartisan duties and employees assigned to duties within a political party caucus. The executive director must request that the report be prepared no later than August 1, 2024, and, to the extent practicable, reflect the status of collective bargaining rights as of that date.

Subd. 2. Consultant. The executive director of the Legislative Coordinating Commission shall contract with an external consultant to:

- (1) examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative offices; and
- (2) develop recommendations for best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative offices.

Subd. 3. Information gathering. The consultant must gather input on these issues from employees of the senate, house of representatives, and the joint offices of the legislature. The consultant must, at a minimum, conduct a survey of all employees on these matters and conduct interviews with representative samplings of employees in each type of position in each legislative body and joint legislative offices, heads of nonpartisan legislative offices, the executive director of the Legislative Coordinating Commission, the chief clerk of the house of representatives, the secretary of the senate, and the human resources directors of the house of representatives and the senate.

Subd. 4. Report. The contract with the consultant must require that the consultant submit a report on the consultant's findings and recommendations by November 1, 2024. At a minimum, the final report must address considerations on the following issues:

- (1) which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may or may not be appropriate;
- (2) mandatory, permissive, and prohibited subjects of bargaining;
- (3) who would negotiate on behalf of the house of representatives, the senate, and legislative agencies and which entity or entities would be considered the employer for purposes of bargaining;
- (4) definitions for relevant terms;
- (5) common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;
- (6) procedures related to certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;
- (7) the efficiency and feasibility of coalition bargaining;
- (8) procedures for approving negotiated collective bargaining agreements;
- (9) procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements;
- (10) the National Conference of State Legislatures report required under subdivision 1 and approaches taken by other state legislatures that have authorized collective bargaining for legislative employees; and
- (11) draft legislation for any statutory changes needed to implement recommendations of the consultant related to the collective bargaining process for legislative employees.

Subd. 5. Administrative meeting support. The executive director of the Legislative Coordinating Commission must arrange working space and administrative support for the consultant, as needed.