



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 02/12/2018
Subject: State and Federal Advocacy Contracts: Procurement Process
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2018-03
Referral Name: State and Federal Advocacy Contracts
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-335-1097

Referral History:

The County currently has two contracts in effect for federal and state legislative advocacy:

1. **Federal Advocacy:** Alcalde & Fay, with primary representation by Paul Schlesinger with additional related support from Perrin Badini. This contract is managed by the CAO's office.
2. **State Advocacy:** Nielsen, Merksamer, Parrinello, Gross and Leoni ("Nielsen Merksamer") with primary representation by Cathy Christian, health care-related representation by James Gross, and additional advocacy services provided by Ben Palmer. This contract is also managed by the CAO's office.

The following is a summary of the contracting history with our current federal and state advocates and the status of their current contracts.

Federal Advocacy Services: Alcalde & Fay

On contract since: December 1, 2001

Contract Term (current): January 1, 2018 through December 31, 2018.

Contract Amount: \$108,500/year: \$8458/monthly retainer; \$3,000 for expenses

History of contract:

- April 24, 2001 the Board of Supervisors directs the CAO to issue an RFP for federal advocacy services. (Supervisor Uilkema prepared the Board Order.)
- The RFP was disseminated broadly, including a posting in Rollcall.
- 24 proposals were received. Top 4 firms were interviewed by CAO and Assistant CAO in D.C. during October 2001. Firms included: Alcalde & Fay, Honberger & Walters, Patten Boggs, and Waterman.
- In the fall of 2012, an RFP process was conducted to solicit vendors for new federal and state legislative advocacy contracts. The RFP stipulated the contracts would be two-year contracts with three (3) one-year renewal options, effective January 1, 2013. Alcalde & Fay and Nielsen Merksamer were the successful bidders for the federal and state contracts, respectively. The authorization for the contracts expires December 31, 2017.
- Alcalde & Fay is a minority-controlled/employee-owned firm that supports the County's MBE contracting goals.
- Services provided include: assisting the County in developing and implementing an effective federal advocacy strategy and annual legislative program to influence federal laws and policies and increase funding for County priorities and operations; research, monitoring and providing information to the County; representing County interests in meetings with members of Congress and/or their staff and with federal agencies, boards, commissions, committees and other bodies as appropriate; participating in appropriate coalitions and working groups on behalf of the County; arrange for meetings involving County officials in Washington, D.C.; preparing and delivering briefings and activity reports as needed; and performing other related duties, as mutually agreed upon.
- In 2012, the County conducted a RFP process to award a two-year contract with three (3) single year options to renew to procure the services of a federal advocate. Alcalde & Fay was the successful bidder.
- In October 2017, the Board of Supervisors authorized a contract extension with Alcalde & Fay for a one-year period.

State Advocacy Services: Nielsen Merksamer

On contract since: January 1, 2004

Contract Term (current): January 1, 2018 through December 31, 2018

Contract Amount: \$180,000/year: \$15,000/monthly retainer

History of Contract:

- Prior to retaining Nielsen Merksamer, the County contracted with L. Scott Sphann and Associates, who received an annual retainer of \$111,946, for state advocacy and annual legislative program services. A \$25,000 annual subcontract with Nielsen Merksamer was entered into in January 2003 (\$2,083 monthly retainer) for services related specifically to state budget issues.
- The shift in state representation placed an increased emphasis on the state budget and the state-local relationships. Nielsen Merksamer is recognized for its expertise in the broad area of state and county relations, particularly fiscal relationships.
- Nielsen Merksamer is a law firm specializing in government and political law and related litigation. They represent approximately 70 clients in the legislative and regulatory arenas in Sacramento, including approximately 10 local government entities, Fortune 500 companies, labor organizations, health care interests and various associations.
- First contract executed for the period January 1, 2004 through December 31, 2005 in the amount of \$120,000 annually.

- In 2012, the County conducted a RFP process to award a two-year contract with three (3) single year options to renew to procure the services of a state legislative advocate. Nielsen Merksamer was the successful bidder.
- On October 24, 2017, the Board of Supervisors authorized a contract extension with Nielsen Merksamer for a one-year period, with no change in the amount of monthly retainer.

Referral Update:

In 2012 the CAO staff (serving as Legislation Committee staff) conducted the last Request for Proposals (RFP) process for the state and federal advocacy services contracts. To initiate the RFP development process, CAO staff surveyed the urban counties on their utilization of state and federal lobbying firms. The survey included name of the firm, the amount of the contract, length of contract term, whether an RFP process had been conducted, and satisfaction with the services. This information was provided to the Legislation Committee to inform their direction to staff on the RFP.

The RFP was issued on September 28, 2018; responses were due on October 31, 2012. (*Attachment A is the RFP for Federal Advocacy Services; Attachment B is the RFP for State Advocacy Services. The standard contracting terms attachment to each RFP was deleted .*) The County received three responses to its RFP for State advocacy services and two responses to its RFP for federal advocacy services.

The responses received for the State advocacy services included (in alphabetic order):

1. Nielsen Merksamer Parrinello Gross & Leoni, LLP
2. Smith, Watts & Martinez, LLC
3. Townsend Public Affairs

The responses received for the Federal advocacy services included (in alphabetic order):

1. Alcalde & Fay
2. Van Scoyoc Associates, Inc.

In accordance with the RFP, staff assembled a County Selection Committee to evaluate the proposals. The Committee consisted of the following members:

- Supervisor Karen Mitchoff
- County Administrator David Twa (for the State services)
- Chief Assistant County Administrator Terry Speiker (for the Federal services)
- Patricia Tanquary, Chief Executive Officer, Contra Costa Health Plan
- Arielle Bourgart, Director of Government and Community Relations for CCTA
- Steven Goetz, Deputy Director of Department of Conservation & Development

CAO staff facilitated the evaluation and interview process but was not included on the County Selection Committee. The interviews with the State advocacy firms were held on November 14, 2012. The interviews with the Federal advocacy firms were conducted via Skype on November 19, 2012.

Upon conclusion of the interviews and review of the RFP responses, the County Selection Committee made the following recommendations which are transmitted to the Legislation Committee for its consideration and action:

1. For the State advocacy services: Retain Nielsen Merksamer.
2. For the Federal advocacy services: Retain Alcalde & Fay.

The recommendations were made largely on the firms' superior knowledge of Contra Costa County and its issues, their proposed scope of services, and the assurance that there would be no conflicts of interest with other clients.

The bid forms submitted by Nielsen Merksamer and Alcalde & Fay request no increase in price over their current contracts.

At its December 3, 2012 meeting, the Legislation Committee considered the recommendation of the County Selection Committee and concurred with their recommendations. The recommendations were sent to the Board of Supervisors for contract authorization.

Recommendation(s)/Next Step(s):

Staff is seeking direction from the Legislation Committee on the following aspects of the procurement process:

1. The conduct of a survey of urban counties' lobbying contracts
2. The conduct of a survey of Board of Supervisors' members and their staffs, the CAO, Department Heads and other key staff of their primary advocacy interests, issues of particular concern, and satisfaction with services/request for additional services
3. Timeline for Procurement Process
4. Length of contract period
5. Amount of contract
6. Review Panel membership
7. Request for Proposals/Qualifications (RFP/Q) development

Attachments

Attachment A: 2012 Federal Advocacy RFP

Attachment B: 2012 State Advocacy RFP

Contra Costa County
Standard Form L-3
Revised 2008

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number

Nossaman LLP, hereafter referred to as "Contractor," and Contra Costa County, hereafter referred to as "County," agree that Contractor shall perform duties as outlined in this Service Plan. The County Administrator or his designee shall administer this contract and shall be the primary County contact for the Contractor.

SCOPE OF SERVICE

Contractor's services shall include, but not be limited to, the following:

- A. Assist the County in developing and implementing an effective state advocacy strategy and annual legislative program to
 - influence state laws and policies as they relate to County priorities, programs, and operations;
 - promote the passage of County sponsored bills; and
 - increase/protect funding for County priorities, programs, and operations.
- B. Research, monitor, and provide information to the County on such matters as:
 - bills and laws;
 - hearings, reports, and testimony;
 - funding opportunities and availability;
 - regulations, guidelines, directives and other administrative policies, both proposed and adopted;
 - technical memoranda and reports impacting County operations.
- C. Represent County interests in meetings with members of the State Legislature and/or their staff, and with state agencies, boards, commissions, committees and other bodies as appropriate.
- D. Participate in appropriate coalitions and working groups on behalf of the County.
- E. Arrange for meetings involving state officials as requested by the County.
- F. Prepare and deliver briefings and activity reports as needed, including an annual report summarizing services and results.
- G. Prepare and file, on the County's behalf, such reports of lobbying activity as may be required of the County by state law or administrative requirements.
- H. Perform other related duties as mutually agreed upon.

Contractor shall comply with all federal and state laws regarding the activities of registered lobbyists in the performance of this contract.

Contra Costa County
Standard Form L-3
Revised 2008

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number

SERVICE PLAN

Alcalde & Fay, hereafter referred to as "Contractor," and Contra Costa County, hereafter referred to as "County," agree that Contractor shall perform duties as outlined in this Service Plan. The County Administrator or his designee shall administer this contract and shall be the primary County contact for the Contractor.

SCOPE OF SERVICE

Contractor's services shall include, but not be limited to, the following:

- A. Assist the County in developing and implementing an effective federal advocacy strategy and annual legislative program to:
 - influence federal laws and policies as they relate to County priorities, programs, and operations; and
 - increase/protect funding for County priorities, programs, and operations.
- B. Research, monitor, and provide information to the County on such matters as:
 - Federal bills and laws;
 - Congressional hearings, reports, and testimony;
 - Federal funding opportunities and availability;
 - Federal regulations, guidelines, directives and other administrative policies, both proposed and adopted; and
 - technical memoranda and reports impacting County operations.
- C. Represent County interests in meetings with members of Congress and/or their staff, and with federal agencies, boards, commissions, committees and other bodies as appropriate.
- D. Participate in appropriate coalitions and working groups on behalf of the County.
- E. Arrange for meetings involving County officials in Washington, D.C. as requested by the County.
- F. Prepare and deliver briefings and activity reports as needed, including an annual report summarizing services and results.
- G. Prepare and file, on the County's behalf, such reports of lobbying activity as may be required of the County by federal law, state law or administrative requirements.
- H. Perform other related duties as mutually agreed upon.

Contractor shall comply with all federal and state laws regarding the activities of registered lobbyists in the performance of this contract.

Initials: BS
Contractor

AS
County Dept.