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## Alameda Corridor Transportation Authority

April 12, 2018

<b>To:</b>	Governing Board
<b>From:</b>	John T. Doherty, Chief Executive Officer
<b>Subject:</b>	<i>Approval of Agreement No. C0871 with Manatt, Phelps &amp; Phillips, LLP through FY21 for Federal Advocacy Services (APPROVAL)</i>

**Recommendation:**

Approve Agreement No. C0871 with Manatt, Phelps & Phillips, LLP (“Manatt”) for federal advocacy services in an amount not-to-exceed \$220,000 which shall commence on the date of execution through June 30, 2021, with an optional three-year extension (upon Board approval of an amendment); and authorize the Chief Executive Officer or Chief Financial Officer to execute said Agreement.

**Discussion:**

As requested by the Governing Board during its September 2017 meeting, ACTA’s government affairs staff met with the respective government affairs staff at both ports (collectively, “the Group”) to discuss whether ACTA should continue to retain its own federal advocacy consultant.

The Group met on October 16, 2017 at ACTA’s offices and agreed that ACTA should continue to retain its consultant in Washington, D.C. The Group agreed that ACTA was still an important stakeholder at the federal level and recommended that the scope of work for the contract would focus on two annual visits to Washington, D.C. which would be attended by the government affairs staff of ACTA, POLA and POLB. The timing of the visits would coincide with conferences where the ports’ staff are already likely to be in Washington, D.C. such as the Coalition for America’s Gateways and Trade Corridors (CAGTC), the American Association of Port Authorities (AAPA), and the Los Angeles Area Chamber of Commerce’s ACCESS D.C. The Governing Board approved the Group’s recommendation at its meeting on November 8, 2017.

*Process*

On January 16, 2018 the Federal Advocacy Services Request for Proposals was posted on the ACTA website. Notice of its availability was posted on the web-based procurement systems hosted by the two ports: the Port of Los Angeles’ *Los Angeles Business Assistance Virtual*



*Network (LABVN)* and the Port of Long Beach's *PlanetBids*. The notice was also sent directly to Washington, D.C. firms identified by staff at both ports and on lists purchased from the *Washington Business Journal* (Books of List Top Lobbying Firms) and *Bloomberg BusinessWeek* (Top Boutique Lobbying Firms in Washington). Three proposals were received by the February 21, 2018 due date.

A panel consisting of ACTA's Chief Financial Officer, ACTA's Director of Government & Community Affairs, POLA's Senior Director of Government Affairs and POLB's Government Relations Officer reviewed and evaluated the written proposals using several criteria including the firm's qualifications, project organization & staffing, work plan and cost.

Based on that evaluation, the proposals were ranked and all three firms were selected for interviews in Washington, D.C. on March 19, 2018. The same panel conducted the interviews, evaluating the firms' presentation and responses to specific questions. As a result of the final scoring of the proposals and interviews, the review panel recommends that the Board approve a contract for federal advocacy services with Manatt.

Scoring matrices and the proposed agreement with Manatt are attached (Transmittals 1 and 2).

#### *Cost*

At its November 2017 meeting, the Governing Board approved the Group's recommendation to have the new contract provide for services on an on-call hourly basis rather than a fixed fee monthly retainer as had been the case in the past. However, upon further consideration of the difficulty of tracking time and the hourly rates proposed, following the interviews the Group recommends a fixed fee monthly retainer as being more cost-effective. On March 23, 2018, the POLA Senior Director of Government Relations and the POLB Director of Government Relations confirmed their support of this pricing strategy.

Therefore, the proposed Agreement provides for a fixed monthly retainer fee of \$5,000 (\$60,000 per year) including ordinary expenses covering, but not limited to, expenditures for local travel in Washington, D.C., copying and mailing. The Agreement also allows for the issuance of task orders for extraordinary work if needed using the hourly rates contained in the Agreement for a total expenditure of \$30,000 (while not restricted in the Agreement, approximately \$10,000 per year). The contract begins May 1, 2018, and with a term through June 30, 2021, the total expenditures will be \$220,000.

#### **Background:**

Manatt is the incumbent provider of federal advocacy services for ACTA. Manatt was initially engaged in 1997 as a sub-contractor to the Joan Milke Flores Group to provide advocacy assistance on issues related to the U.S. Congress, the U.S. Department of Transportation and other federal agencies. In December 2002, the Governing Board approved a recommendation to enter into a new agreement directly with Manatt to provide federal advocacy services to ACTA. The current agreement expires April 30, 2018.

**Budget Impact:**

Expenditures for FY2019 are included in the Draft FY2019 Program Budget presented under Item No. 9.

Transmittals:

Transmittal 1 - Evaluation Summary

Transmittal 2 - Agreement with Manatt, Phelps and Phillips, LLP