

AGENDA REPORT

Resolution: Authorize the Executive Director to Execute a Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to two (2) years, with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a Total Amount Not to Exceed \$610,000 over four years (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses). **(Government Affairs)**

MEETING DATE: 10/8/2020

AMOUNT: \$610,000 (FY20-21, FY21-22, FY22-23, FY23-24)
Operating Expense

PARTIES INVOLVED: Van Scoyoc Associates
800 Maine Ave. SW, Suite 800,
Washington, DC 20024
H. Stewart Van Scoyoc, CEO/President
Steven Palmer, Vice President

SUBMITTED BY: Matt Davis, Director of Governmental Affairs

APPROVED BY: Danny Wan, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

In July 2020, the Port of Oakland ("Port") issued a Request for Proposal ("RFP"), consistent with previous Board input on the subject matter, for federal consulting and advocacy services in support of federal Port priorities. Based on the proposals received and evaluated, staff requests Board authority to authorize the Executive Director to enter into a Professional Services Agreement with Van Scoyoc Associates for federal consulting and advocacy services in support of Port priorities for up to two (2) years, with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a total amount not to exceed \$610,000 (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses).

BACKGROUND

The Port of Oakland's activities and operations are highly impacted by actions undertaken at the federal level. The Port has at times utilized contract lobbying firms based in Washington, DC to provide strategic consulting advice and federal advocacy services to complement and reinforce the in-house efforts of Port staff and leadership. The Port utilizes these consultant

services to assist in obtaining funding for critical Seaport and Airport projects and to support advocacy efforts related to issues and regulations that might affect the Port.

In addition to annual funding bills that must be passed every year by Congress to maintain basic federal functions that affect the Port, additional critical policy initiatives that merit the Port's direct advocacy and focus in Washington, DC include the following:

- **Transportation Infrastructure:** Support efforts for comprehensive surface transportation legislation that includes funding opportunities for goods movement initiatives, including port authorities.
- **Airport Operations and Funding:** Advance efforts to secure long-term airport funding enhancements such as an increase in the Passenger Facility Charge and the Airport Improvement Program, in addition to support for essential airport-related Department of Homeland Security functions provided by the Transportation Security Administration and Customs and Border Protection, among others.
- **Water Resources:** Continued support for annual operations and maintenance dredging funding and policy implementation that impact the Oakland Harbor, in addition to coordination with all levels of U.S. Army Corps leadership on the Port's ongoing Turning Basin Feasibility Study efforts; Ensure that Port needs are addressed, as needed, in bi-annual water resources legislation currently being developed.
- **Energy & Environment:** Engage policymakers and support environmental and energy-related initiatives such as the Diesel Emissions Reductions Act and other energy sustainability and/or climate adaptation policies.
- **Additional COVID-19 Pandemic Relief:** Advocate for and advance efforts to secure more federal funding for COVID-19 relief, including additional and streamlined assistance for airports and new funding for seaports.

Given the relevance of these policy areas to Port operations, Port staff feels confident that the continued use of outside lobbying expertise to help complement and support the existing federal relationships of Port officials and leadership is warranted.

The Port has been represented since 2019 in Washington, DC by Van Scoyoc Associates (VSA), a bipartisan, full-services government relations firm that has operated in the nation's capital for over 25 years. The original agreement with VSA was set to expire in April 2020. At the March 26, 2020 Board meeting, Port staff requested and received approval for a six-month extension to its current agreement with VSA. In order to evaluate and make a recommendation to the Board for a longer-term consulting agreement, Port staff also indicated its intention to issue a formal RFP, consistent with Board input and Port Purchasing guidelines. The RFP process has now been concluded and the RFP process and its associated recommendations are described below.

ANALYSIS

At the March 26, 2020 Board meeting, Port staff requested and received approval for a six-month extension to its current agreement for federal advocacy services and concurrently outlined an intention to issue a formal RFP with evaluations based on the following criteria:

Table 1: RFP Evaluation Criteria

| Item | Criteria | Weight |
|-------------|---|---------------|
| 1 | Adherence to Port Policy and Other Requirements, and Debarment Statement | Pass/Fail |
| 2 | Company Information, Client References, Litigation Check and Capacity to Provide Professional Services as Requested | Pass/Fail |
| 3 | <u>Knowledge and Experience:</u> Demonstration of bi-partisan federal relationships and experience in in both the Executive and Legislative branches in Washington, DC; Focused expertise in both the aviation and maritime sectors; Familiarity with the California congressional delegation Members and professional Capitol staff, as well as those of key committees with jurisdiction impacting overall Port operations | 40% |
| 4 | <u>Plan and Approach:</u> Comprehensive understanding of policy and political issues impacting aviation and maritime sectors, including outlook on future opportunities and threats; Familiarity and experience in working with national trade/interest advocacy associations in both sectors, including Port tenants and customers; Quality and timeliness of client communications and updates on legislative and regulatory matters | 35% |
| 5 | Proposed Costs | 10% |
| 6 | <u>Non-Discrimination and Small Local Business Utilization Policy:</u> Qualifying companies may receive an award of up to a maximum 15 points based on substantiating documentation | Up to 15% |
| | Total | Up to 100% |

Staff subsequently issued an RFP on July 7, 2020 to solicit proposals from qualified lobbyists and/or lobbying firms to represent the Port's interests in Washington, DC. Proposals were due on August 4, 2020. The RFP was disseminated in several ways, including:

- Distributed by email to local Chambers, Community Based Organizations and relevant Port-certified Local/Small firms in the Port's certified database
- Listed on the Port website
- Advertised in the Oakland Tribune
- Shared with national trade organizations representing aviation and maritime interests
- Emailed directly by the Port's Purchasing Department to over two dozen federal lobbying firms with demonstrated subject matter expertise in the aviation and/or maritime sectors.

On August 4, 2020, the Port received four responses from qualified firms in response to the RFP. To evaluate the proposals, a five-person Evaluation Committee ("Committee") was formed which was composed of staff from the Aviation Division, Maritime Division, Legal Division, and the Executive Office (Governmental Affairs Department). Additionally, staff from the Social Responsibility Division ("SRD") reviewed the responses relative to the Non-Discrimination and Small Local Business Utilization Policy. None of the respondents were awarded any preference points, as all respondents are located outside of the Local Impact Area and Local Business Area.

After an initial review of the written proposals by the Committee, the three top ranked firms were invited to make presentations to the Committee and participate in formal interviews, which were conducted via Zoom on September 3, 2020. The evaluation resulted in the following ranking of the four proposals received:

Table 2: Ranking of RFP Submissions

| Rank | Firm | Location | Final Average Score |
|------|--------------------------|----------------|---------------------|
| 1 | Van Scoyoc Associates | Washington, DC | 78.6 |
| 2 | Alcalde & Fay | Washington, DC | 72.0 |
| 3 | Becker & Poliakoff, P.A. | Washington, DC | 67.6 |
| 4 | LM5 Group | Washington, DC | 31.2 |

The review and analysis of the written proposals and the subsequent presentations made by the firms, including a Q & A with the Committee members, confirmed that the top-three ranked firms all presented credible and capable lobbying teams with realistic and reasonable approaches to representing the Port and advocating for its interests in Washington, DC.

Based on the overall analysis and interviews, the Committee unanimously determined that the unique skill sets and backgrounds of the Van Scoyoc Associates (VSA) team, in addition to their ability to provide a range of high-level expertise covering both the aviation and maritime sectors, provided the best opportunity for success for the Port's continued federal advocacy efforts. Staff is therefore recommending that the Port proceed with selecting the top-ranked proposer, Van Scoyoc Associates, for a multi-year agreement to provide federal advocacy services. Biographies of the VSA Project Manager and Key Personnel assigned to represent the Port can be reviewed in **Attachment A**.

BUDGET & STAFFING

There is no budget or staffing impact. The FY 20-21 Fiscal Year Governmental Affairs operating budget includes sufficient funding for federal legislative representation, advocacy and consulting services consistent with this request. The activities supported by this consultant will also support the Port's grant and funding objectives across many aspects of the federal government's purview that could impact Port operations.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) does not apply because this contract is for professional services that are not within the craft jurisdiction of the unions signatory to the MAPLA.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Grow Net Revenues
- Goal: Modernize and Maintain Infrastructure
- Goal: Care for Our Environment

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply, as the service providers do not employ 21 or more employees working on Port-related work. However, the service providers will be required to certify that, should living wage obligations become applicable, the service providers shall comply with the Living Wage Regulations.

SUSTAINABILITY

Port staff have reviewed the Port's Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities, including adaptation to sea level rise. Although this action does not involve a development project, purchasing of equipment, or operations that by and of themselves present sustainable opportunities, the efforts of federal advocacy and consulting individuals and firms that the Port may contract with can promote policies and opportunities that may result in federal funding, regulatory amendments, and/or favorable policy outcomes that can assist with Port sustainability goals.

ENVIRONMENTAL

This action, to approve a supplemental contract with Van Scoyoc Associates for federal consulting and advocacy services on behalf of the Port of Oakland, was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. CEQA only requires analysis of activities that are defined as a "project." Organizational and administrative activities of governments that will not result in direct or indirect physical changes in the environment are not considered a project pursuant to Section 15378(b) of the CEQA Guidelines. Therefore, this action is not subject to CEQA and no further environmental review is required. Projects identified for future implementation may be subject to environmental review when they are proposed for implementation.

GENERAL PLAN

This project is for professional services and will not directly include any alteration of property. Development projects that result from these professional services will be subject to separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the Charter.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program (OCIP) as professional services are not construction activities.

OPTIONS

- 1) Authorize the Executive Director to Execute a Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to two (2) years with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a Total Amount Not to Exceed \$610,000 (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses). This is the recommended action.
- 2) Do not authorize the Executive Director to Execute a Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates and direct staff to conduct another RFP. This option would require an additional extension of the current contract to allow time to conduct the RFP.

RECOMMENDATION

- 1) Authorize the Executive Director to Execute a Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to two (2) years with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a Total Amount Not to Exceed \$610,000 (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses).