

**STAFF REPORT FOR CALENDAR ITEM NO.: 7.2
FOR THE MEETING OF: July 14, 2011**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorize the Executive Director to execute amendments to extend Agreements for State Advocacy Services with Mercury LLC and Townsend Public Affairs for one year each and additional compensation of \$102,000 each, with options remaining to extend each agreement for an additional three years.

EXPLANATION:

The TJPA desires to have effective relationships with State of California departments, agencies, and officials and to become more active in developing State government sources of funds for the Transbay Transit Center Program. To accomplish these goals, the TJPA requires representation of its interests through qualified firms based in Sacramento that provide professional advocacy services. The TJPA has engaged Mercury LLC and Townsend Public Affairs for these services since August 2010. Each firm has a one year contract with options to extend. The two firms were selected via a Request for Proposals process last year.

A Request for Proposals (RFP) was issued on May 20, 2010. On June 18, 2010, the TJPA received four proposals in response to the RFP. A Selection Committee reviewed and scored the written proposals for technical merit. Three proposers were shortlisted and invited to interviews. The interviews were scored by the Selection Committee. The Selection Committee determined the firms of Mercury LLC and Townsend Public Affairs to be ranked highest. The Selection Committee Report is attached.

Contracts were negotiated with both firms, for initial terms of one year each. As the maximum compensation was \$96,000 for each firm, the TJPA Executive Director was authorized to approve each agreement under TJPA Procurement Policy. Compensation is paid via monthly retainer. Retainers are a common practice for compensation of government advocacy firms.

The option to extend the term is included in both agreements, and the option prices were negotiated when the original agreements were negotiated. The monthly retainer for each firm will be \$8,500, for a total annual fee of \$102,000. This continues to be less than the amount TJPA paid annually for services from other state advocacy firms under prior agreements.

RECOMMENDATION:

Staff recommends that the Board of Directors authorize the Executive Director to execute amendments to extend Agreements for State Advocacy Services with Mercury LLC and Townsend Public Affairs for one year each and additional compensation of \$102,000 each, with options remaining to extend each agreement for an additional three years.

ATTACHMENTS:

1. Resolution
2. Selection Committee Report
3. Amendments

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, On May 20, 2010, the Transbay Joint Powers Authority (TJPA) issued a Request for Proposals (RFP) for State Advocacy Services; and

WHEREAS, On June 18, 2010, the TJPA received four written proposals in response to the RFP; and

WHEREAS, A Selection Committee evaluated the proposals for technical merit; and

WHEREAS, Following evaluation of the proposals, the Selection Committee conducted oral interviews with three short-listed teams; and

WHEREAS, The Selection Committee found that the proposals submitted by Mercury LLC, and Townsend Public Affairs, Inc., were the most responsive to the RFP and that Mercury and Townsend Public Affairs are both well qualified to perform the scope of services in a cost-effective manner, and staff subsequently negotiated contracts with Mercury and Townsend Public Affairs that were approved by the TJPA Executive Director with Effective Dates of August 1, 2010; and

WHEREAS, Both firms have been providing satisfactory services and both agreements include options to extend the terms, with pre-negotiated prices for the option years; and

WHEREAS, TJPA staff recommends that both Mercury and Townsend Public Affairs be retained for an additional year at the negotiated annual price of \$102,000 each; now, therefore, be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute the amendments to extend Agreements for State Advocacy Services with Mercury LLC and Townsend Public Affairs for one year each and additional compensation of \$102,000 each, with options remaining to extend each agreement for an additional three years.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of July 14, 2011.

Secretary, Transbay Joint Powers Authority



State Advocacy Services Selection Committee Report June 2010

Executive Summary and Recommendation

In response to Request for Proposals No. 10-03 for a State Advocacy Services Consultant, issued on May 20, 2010, the TJPA received four proposals from firms meeting all minimum qualifications on June 18, 2010. A selection committee convened on June 22, 2010 to evaluate the proposals and shortlisted three respondents. On June 24, 2010, the committee conducted oral interviews with the three respondents and finalized its scoring.

Based on the criteria outlined in the RFP, the selection committee recommends that the TJPA negotiate contracts for services with the two highest ranked firms, **Mercury** and **Townsend Public Affairs/California Capital & Investment Group**.

Background

The TJPA desires to have effective relationships with State of California departments, agencies, and officials and to become more active in developing State government sources of funds for the Transbay Transit Center Program. To accomplish these goals, the TJPA requires representation of its interests through qualified firms based in Sacramento that provide professional advocacy services.

The contracts to be negotiated will be for an initial year with options to extend, up to six years total. TJPA has paid \$210,000 for the most recent year of similar services. Compensation will be paid via monthly retainer, as is customary for lobbying firms.

Schedule

1)	RFP advertised/posted	May 20, 2010
2)	Receipt of proposals	June 18, 2010
3)	Selection committee evaluation meeting	June 22, 2010
4)	Interviews of short-listed firms and final scoring	June 24, 2010

Selection Committee Members

Nila Gonzales, TJPA Office Manager/Board Secretary
Emilio Cruz, TJPA Program Management Consultant
Nancy Whelan, TJPA Financial Consultant

RFP Outreach

An announcement of the RFP appeared in the *San Francisco Examiner* and the *Sacramento Bee*. It was also posted on the City Purchaser's Bids and Contracts website; a copy of the announcement is Attachment A. On the same day, the TJPA posted the RFP on its website for the public to view and print and sent announcement of its availability to all interested parties who have signed up for TJPA updates/contracting opportunity notifications. In total, the announcement was sent to 35 advocacy firms and 170 contacts who have signed up for notice of all TJPA professional services contracts.

The TJPA received four proposals on or before the RFP submission date, from:

- Capital Representation Group and Aprea & Micheli

- Conservation Strategy Group
- Mercury LLC
- Townsend Public Affairs and California Capital & Investment Group

Selection Committee Evaluation

The selection committee met on June 22, 2010 to review the written proposals and evaluate strengths and weaknesses using the criteria listed on the score sheet (Attachment B). Following the discussion, each committee member individually filled out scoring sheets. Proposed retainer price was scored according to a mathematical formula. The TJPA Contracts Compliance Manager tabulated and verified the scores. Three firms were invited to participate in interviews based on the scoring results.

On June 24, 2010, the committee conducted oral Interviews of the three Respondents. Each firm had up to twenty minutes to present, followed by half dozen questions from the selection committee. Following the interviews, the committee discussed the strengths and weaknesses of each Respondent firm, and then individually completed and signed scoring sheets and submitted them to the Contracts Compliance Manager for tabulation.

Townsend Public Affairs/CCIG and Mercury finished in a virtual tie. Scores are shown in Attachment C.

All proposals submitted in response to this RFP are available for review at 201 Mission Street, Suite 2100 upon contacting the TJPA's Office Manager. Proposals will be retained for two years, except for the selected consultant's proposal will be maintained on permanent record.

Attachments

Attachment A, RFP Announcement
Attachment B, Scoring Sheets
Attachment C, Scores

Reference

Request for Proposals No. 10-03 for State Advocacy Services issued by the Transbay Joint Powers Authority on May 20, 2010.

Attachment A

ANNOUNCEMENT

REQUEST FOR PROPOSALS NO. 10-03 STATE ADVOCACY SERVICES

The Transbay Joint Powers Authority (TJPA) is issuing a Request for Proposals (RFP) for STATE ADVOCACY SERVICES for the Transbay Transit Center Program from firms or individuals with expertise in the state legislative process and state advocacy, and comprehensive knowledge and experience of the state government's operations and procedures.

The TJPA will select a firm to perform services for a contract value not expected to exceed \$150,000 per year, for a period up to three (3) years.

Proposal packages must be received by the TJPA no later than **12:00 p.m. on Friday, June 18, 2010**, at the address below. Late proposal packages will not be considered.

Transbay Joint Powers Authority
201 Mission Street, Suite 2100
San Francisco, CA 94105

Prospective Respondents may obtain copies of this RFP, including required forms, by visiting the TJPA's website at www.TransbayCenter.org (>TJPA>Doing Business with the TJPA>Current Contract Opportunities) or by contacting the TJPA at (415) 597-4620 or at StateAdvocacy@TransbayCenter.org.

FIRM NAME:

PANELIST:

DATE:

**TRANSBAY JOINT POWERS AUTHORITY
EVALUATION SCORE SHEET
STATE ADVOCACY SERVICES**

Evaluate and score written proposals based on the following criteria:

	<i>Description</i>	<i>Score</i>	<i>Notes</i>
1.	<p>Qualifications and Experience of Firm (maximum 80 points)</p> <ul style="list-style-type: none"> • Capabilities and experience in state advocacy for public and private entities; emphasis on public projects • Qualifications and experience of proposed staff <p style="padding-left: 40px;">Required Experience</p> <ul style="list-style-type: none"> • At least 10 years experience advocating for public entities before State Legislature/ Executive Branch • Direct experience/knowledge regarding annual state budget process • Direct experience with Governor’s Office, CTC, Caltrans, CA Dept. of Housing & Community Development, CA Bus/Housing/Transportation Agency <p style="padding-left: 40px;">Additional Experience</p> <ul style="list-style-type: none"> • Proven legislative and/or executive branch success on behalf of public agency clients • Success securing state funding for large public projects • Established relationships with key state decision-makers in legislative/executive branch • Knowledge of alternative state funding sources for major public infrastructure projects <p style="padding-left: 40px;">Project Understanding & Approach</p> <ul style="list-style-type: none"> • Approach to providing services, avoiding conflicts of interest, prioritizing clients • How firm would tailor services for TJPA 		
2.	<p>References (maximum 10 points)</p>		
3.	<p>Fee Proposal (maximum 10 points)</p>		

TOTAL SCORE: _____ (max 100)

FIRM NAME:

PANELIST:

DATE:

TJPA INTERVIEW SCORE SHEET

State Advocacy

Description	Score	Notes
Presentation (20 minutes maximum; 50 points)		
Questions (maximum 150 points;25 points/question)		
1. JPA funding eligibility		
2. Funding prospects & approach		
3. Park funding opportunities		
4. TOD project – 1C eligibility		
5. ID of critical parties and relationships		
6. Creative funding		

TOTAL SCORE: _____ (200 maximum)

Attachment C

Evaluation Scores (100 points max)

Firm	Panelist A	Panelist B	Panelist C	Total Score
Capital Rep/ Aprea & Micheli	95.5	88.5	88.5	272.5
Conservation Strategy Group	63	43	62	168
Mercury LLC	84	73	91	248
Townsend Public Affairs/CCIG	86	68	90	244

Interview Scores (200 points max)

Firm	Panelist A	Panelist B	Panelist C	Total Score
Capital Rep/ Aprea & Micheli	128	120	112	360
Mercury LLC	165	165	168	498
Townsend Public Affairs/CCIG	163	170	174	507

Totals

Firm	Evaluation	Interview	Total Score
Capital Rep/ Aprea & Micheli	272.5	360	632.5
Mercury LLC	248	498	746
Townsend Public Affairs/CCIG	244	507	751

**Amendment No. 01
Professional Services Agreement between
the Transbay Joint Powers Authority and Mercury LLC**

THIS Amendment No. 1 to the Professional Services Agreement to furnish state advocacy services dated August 1, 2010, ("Agreement") is entered into as of the ____ **day of July 2011** in San Francisco, California, by and between **Mercury LLC** ("Contractor"), and the **Transbay Joint Powers Authority** ("TJPA").

Recitals

- A. The TJPA and Contractor desire to extend the term of the Agreement without changing the scope or deliverables under the Agreement.
- B. The Agreement has options to extend the term of the agreement, and the price for each additional option year was negotiated at the time of the Agreement negotiations.
- C. On July 14, 2011, the TJPA Board of Directors adopted Resolution No. _____, authorizing the extension of the Agreement for one year.

Terms and Conditions

Now, therefore, the TJPA and Contractor agree to amend the following sections of the Agreement to read as follows:

2. Term of the Agreement.

Subject to Section 1, the term of this Agreement shall be two (2) years from the Effective Date of the Agreement, as described in Section 3 below, provided that (i) the TJPA shall have the right to extend this Agreement for an additional three (3) years via one-, two-, or three-year options, by providing to the Contractor written notice of such extension on or before the expiration of this Agreement, and (ii) any such extension shall be subject to and conditioned upon the written agreement of the Contractor and the approval of such extension by resolution adopted by the TJPA Board of Directors.

5. Compensation

All work under this Agreement shall be compensated on a retainer basis, subject to any maximum price set forth in a particular NTP. In no event shall the total compensation under this Agreement for the two-year term exceed One Hundred Ninety-Eight Thousand Dollars (\$198,000). In the event that this Agreement is extended, the total compensation shall be increased as described in Appendix B, "Fees". The breakdown of the Contractor's fees appears in Appendix B, "Fees".

No charges shall be incurred under this Agreement nor shall any payments become due to the Contractor until the Services required under this Agreement are received from Contractor and approved by the Executive Director as being in accordance with this Agreement. The TJPA may withhold payment to the Contractor in any instance in which the Contractor has failed or refused to satisfy any material obligation provided for under this Agreement.

In no event shall the TJPA be liable for interest or late charges for any late payments.

All other provisions of the Agreement shall remain in full force and effect.

**TRANSBAY JOINT POWERS
AUTHORITY**

CONTRACTOR
Mercury LLC

Maria Ayerdi-Kaplan
Executive Director

Signature

Printed Name and Title

**Amendment No. 01
Professional Services Agreement between
the Transbay Joint Powers Authority and Mercury LLC**

THIS Amendment No. 1 to the Professional Services Agreement to furnish state advocacy services dated August 1, 2010, ("Agreement") is entered into as of the ____ **day of July 2011** in San Francisco, California, by and between **Townsend Public Affairs, Inc.** ("Contractor"), and the **Transbay Joint Powers Authority** ("TJPA").

Recitals

- A. The TJPA and Contractor desire to extend the term of the Agreement without changing the scope or deliverables under the Agreement.
- B. The Agreement has options to extend the term of the agreement, and the price for each additional option year was negotiated at the time of the Agreement negotiations.
- C. On July 14, 2011, the TJPA Board of Directors adopted Resolution No. _____, authorizing the extension of the Agreement for one year.

Terms and Conditions

Now, therefore, the TJPA and Contractor agree to amend the following sections of the Agreement to read as follows:

2. Term of the Agreement.

Subject to Section 1, the term of this Agreement shall be two (2) years from the Effective Date of the Agreement, as described in Section 3 below, provided that (i) the TJPA shall have the right to extend this Agreement for an additional three (3) years via one-, two-, or three-year options, by providing to the Contractor written notice of such extension on or before the expiration of this Agreement, and (ii) any such extension shall be subject to and conditioned upon the written agreement of the Contractor and the approval of such extension by resolution adopted by the TJPA Board of Directors.

5. Compensation

All work under this Agreement shall be compensated on a retainer basis, subject to any maximum price set forth in a particular NTP. In no event shall the total compensation under this Agreement for the two-year term exceed One Hundred Ninety-Eight Thousand Dollars (\$198,000). In the event that this Agreement is extended, the total compensation shall be increased as described in Appendix B, "Fees". The breakdown of the Contractor's fees appears in Appendix B, "Fees".

No charges shall be incurred under this Agreement nor shall any payments become due to the Contractor until the Services required under this Agreement are received from Contractor and approved by the Executive Director as being in accordance with this Agreement. The TJPA may withhold payment to the Contractor in any instance in which the Contractor has failed or refused to satisfy any material obligation provided for under this Agreement.

In no event shall the TJPA be liable for interest or late charges for any late payments.

All other provisions of the Agreement shall remain in full force and effect.

**TRANSBAY JOINT POWERS
AUTHORITY**

CONTRACTOR
Townsend Public Affairs, Inc.

Maria Ayerdi-Kaplan
Executive Director

Signature

Printed Name and Title