

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	June 10, 2013
	Agenda Item No.	35
	Roll Call No.	<u>13-912</u>
	Communication No.	<u>13-299</u>
	Submitted by:	Larry Hulse, Assistant City Manager

AGENDA HEADING:

Approving an exception to the Procurement Ordinance competitive Request for Proposals (RFP) process requirements for good cause and accepting proposal with Holland & Knight, LLP (H & K), Richard Gold, Partner, 800 17th Street NW, Suite 1100, Washington, DC 20006, to provide federal government relations services that will facilitate federal funding and regulation interpretation for transportation, economic development, housing, community revitalization, public safety, homeland security, and related concerns for the City of Des Moines.

SYNOPSIS:

Council is requested to approve retention of H & K, a Washington D.C. lobbying firm from April 30th 2013 to April 30, 2014 to assist in securing federal funds, providing governmental affairs services and strategic advice to address federal policy issues facing the City. H & K will assist in building key relationships with federal agencies and decision makers in order to facilitate projects and issues at the federal level of government. This is a critical time given the ongoing work on the TIGER grant project, the Southeast Connector, as well as the flood protection projects, Public Housing, Community Development Block Grant program, transit and transportation programs, along with the effects of sequestration on our federal programs and funds. Staff recommends this agreement with H & K be extended another year and requests that the Council exempt this contract and waive the request for proposals process and authorize the Mayor to enter into this agreement for services.

FISCAL IMPACT:

Amount: \$96,000 to be paid in monthly amounts of \$8,000

Funding Source: Fiscal Year (FY) 2013-2014 Operating Budget

- \$15,900 - Storm Water Utility Enterprise Fund - PW248423 (EN301, PWK077001), page 242
- \$15,900 - Sanitary Sewer Enterprise Fund PW240400 (EN101, PWK074004), page 234
- \$ 3,300 - Solid Waste Enterprise Fund PW250430 (EN151, PWK100101), page 238
- \$60,900 - Economic Development Enterprise Fund CM025033 (SP743, CMO980717), page 39

ADDITIONAL INFORMATION:

The City Council may on a case by case basis, upon the recommendation of the City Manager for good cause shown, exempt contracts for the provision of goods and/or services from the request for proposals process of this subdivision or waive the request for proposals process and authorize the negotiation of a contract for the procurement of goods and/or services estimated to cost in excess of \$25,000.

Currently there are several ongoing issues at the Federal level that warrant retaining H & K for another year, as opposed to soliciting proposals. Given the City's ongoing relationship with H & K and the pending nature of many items at the federal level with which we have carefully developed a legislative strategy, it would be in the City's best interest to retain H & K at this time. Hiring another firm at this time would require an adjustment period to bring them up to date on issues related to Des Moines as they will not be acquainted with the many aspects of our needs and discussions with our delegation and the administration which could cause us to lose ground. Some examples of these ongoing issues include:

- Army Corps of Engineers (ACOE) and Federal Emergency Management Agency (FEMA) Flood Protection Work Water Resources Development Act Reauthorization including work with Congress on Sec. 408 funding (levee modifications). The Senate just passed the Water Resources Development Act of 2013 two weeks ago and it is the first water infrastructure bill to pass the Senate in six years. The \$12 billion measure authorizes policies, programs and projects for the U.S. Army Corps of Engineers and includes important credit language that would be helpful to the City's efforts to improve the levee system. The House of Representatives will begin its work on the Water Resources Development Act bill soon.
- Changes in the Congressional Delegation representing Des Moines will require strong relationships to represent the City's interests in Federal concerns.
- Current grant applications, such as the Community Oriented Policing Services (COPS) hiring funding that the Police Department has applied for, have been assisted by H & K through reaching out to our delegation for support letters to assist the City and Police Department with securing grant funding, and assisted in review and advice on how to approach and understand the submission rules for the grant. H & K continues to monitor federal grants the City would be eligible for as they are released weekly.
- In transportation, H & K is advising the City with respect to Federal Transit Administration (FTA) issues, including counsel on bus rapid transit projects. MAP-21, the legislation that authorizes federal surface transportation funding and sets federal transportation policy, expires in September 2014. Congress will begin to have hearings this summer to begin discussions on reauthorizing the surface transportation law.
- Finally, with sequestration cuts in effect and cuts in Housing Section 8 vouchers, many housing agencies are struggling with what to do for Section 8 housing. H & K is working with the City to determine which formula funding can provide flexibility to the City.

On April 20, 2009, by Roll Call No. 09-0693, the City Council approved an agreement with H & K to provide professional federal government affairs services for an amount not to exceed \$7,500 per month, plus travel expenses, with an initial term of one (1) year, with up to three (3) one (1) year renewal options upon mutual consent of both parties.

On April 26, 2010, by Roll Call No. 10-0617, the City Council approved the first, one (1) year renewal option that expired April 30, 2011. On May 9, 2011, by Roll Call No. 11-0801, the City Council approved the second, one (1) year renewal option that expired April 30, 2012. On May 7, 2012, by Roll Call No. 12-0707, H & K agreed to the existing compensation level with the third, one (1) year renewal option that expired April 30, 2013. In this pending agreement, H & K are asking for an increase of \$6,000, the first increase since the 2009 agreement.

The deliverables provided by H & K would continue to include:

- *Federal Relations Strategy*: Assist the City in development of an overall federal relations strategy and provide support for this strategy, including: meeting with Council members and City staff, identifying congressional funding opportunities following up with key decision makers and tracking Congressional funding outcomes.
- *Weekly Grant Notification*: Provide information on recently announced federal grant opportunities that fit the City's needs.
- *Drafting Legislation*: Complete support in drafting entire bills or limited provisions for pending legislation.
- *Drafting Testimony*: Preparation of testimony for presentation before congressional committees when needed.
- *Political Intelligence*: Maintain strong bi-partisan relationships with both the congressional delegation and federal agencies to allow for quick assessment of issues as they arise. Monitor national legislation of interest to the City.
- *Forms and Applications*: Provide the City with support of funding applications to federal agencies. As needed, the firm will review applications and help the City to secure the support of senior administration and key congressional officials for funding.
- *Washington Visits*: Assist with scheduling and agendas to ensure that the City's visits to Washington, D.C. are effective and efficient.
- *Regular Updates*: Provide regular updates of all government affairs activities. The firm will provide regular updates describing the status of the City's various federally-related priorities. There will be more emphasis on providing updates to the Mayor and Council Members.

H & K holds conference calls with City staff and Council Members every two weeks and as needed to discuss the status of appropriation requests and other federally-funded projects of interest to the City. H & K has advised the City in developing a strategy for appropriation requests, provided grant notifications, drafted legislation important for the completion of the Principal Riverwalk, completed appropriation forms and applications, and has scheduled meetings and conference calls with key federal agency personnel for discussions regarding grant applications and federal legislation. Most recently, H & K has coordinated efforts and provided strategies related to the ACOE and FEMA as it relates to the River Flow Frequency Study and Flood Insurance Rate Mapping of the Raccoon and Des Moines River basins. This work is ongoing and part of the City's long term strategy for flood protection.

PREVIOUS COUNCIL ACTION(S):

Date: May 7, 2012

Roll Call Number: [12-0707](#)

Action: [One](#)-year renewal of agreement with Holland & Knight, LLP to provide federal government affairs services from May 1, 2012 – April 30, 2013. ([Council Communication No. 12-231](#)) Moved by Hensley to approve. Motion Carried 7-0.

Date: May 9, 2011

Roll Call Number: [11-0801](#)

Action: [One](#)-year renewal agreement with Holland & Knight, LLP (Richard Gold, Partner) from May 1, 2011 to April 30, 2012 for professional federal government relations services. ([Council Communication No. 11-289](#)) Moved by Hensley to approve. Motion Carried 7-0.

Date: April 26, 2010

Roll Call Number: [10-617](#)

Action: [One](#)-year renewal agreement extending contract until April 30, 2011 with Holland & Knight, LLP to provide federal government affairs services, \$90,000 plus travel expenses. ([Council Communication No. 10-236](#)) Moved by Coleman to approve. Motion Carried 6-1. Nays: Meyer.

Date: April 20, 2009

Roll Call Number: [09-693](#)

Action: [Proposal](#) of Holland & Knight LLP to provide Federal Government Affairs Services. ([Council Communication No. 09-222](#)) Moved by Vlassis to approve; refer to the City Manager to closely monitor benchmarks and deliverables. Motion Carried 5-2. Nays: Kiernan and Meyer.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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