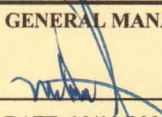
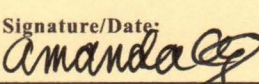
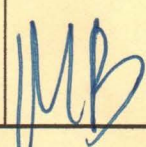
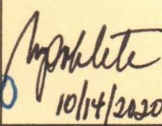
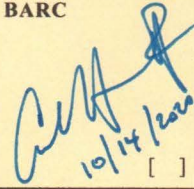




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  10/14/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Amanda Cruz Dept: Gov't & Community Relations	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date:  10/14/20	 10/14/20	 10/14/2020 []	[]	 10/14/2020 []
Status: Routed		Date Created: 10/13/2020		

Award of Agreement No. 6M7297 to CJ Lake, LLC for Federal Legislative Advocacy Services and Agreement No. 6M7299 to California Strategies & Advocacy, LLC for State Legislative Advocacy Services

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M7297 to CJ Lake, LLC (CJ Lake) to provide federal legislative advocacy services and Agreement No. 6M7299 to California Strategies & Advocacy, LLC (CSA) to provide state legislative advocacy services for the District. The term of each Agreement is three years with two option years for a total of five years.

DISCUSSION:

The Government and Community Relations Department has for decades contracted the services of external advocacy firms to assist with the creation and management of the District's Federal and State Advocacy Program. The District currently has agreements for federal and state advocacy services with CJ Lake and CSA. These agreements are set to expire on October 31, 2020.

Request for Proposals (RFP) No. 6M7297 to provide legislative advocacy services for the District was issued on August 24, 2020. An "Advance Notice to Proposers" was emailed to 59 prospective proposers and firms that contacted the District with an expressed interest in participating in the RFP process. Additionally, the RFP was advertised in the Bay Area

Reporter, Contra Costa Times, El Mundo, Inter-City Express, Oakland Post, Oakland Tribune, San Francisco Chronicle, Sing Tao, Sun Reporter, and World Journal. Fourteen prospective consultants downloaded the RFP from the District's procurement portal. Four firms participated in a pre-proposal meeting on September 1, 2020.

Proposals were due on September 29, 2020, and the District received one proposal to provide federal advocacy services from CJ Lake, one proposal to provide state advocacy services from CSA, and one proposal to provide both federal and state advocacy services from Clark Hill.

A Selection Committee (Committee), chaired by the Procurement Department and composed of District staff and representatives from Capitol Corridor and the Alameda-Contra Costa Transit District, participated in the source selection process. The Committee utilized the Best Value Method to assess the proposals and determine which proposals would offer the most effective pairing of service capacity and cost. Initially, the Committee evaluated all proposals to determine if each met the minimum technical requirements established in the RFP. On the basis of this analysis, the Committee determined that all of the proposals were responsive.

Each proposal was evaluated, scored, and ranked based on experience/approach related to the proposed scope of services, qualifications of firm and proposed team, and past performance. For state advocacy services, the Committee analyzed proposals from CSA and Clark Hill. For federal legislative services, the Committee analyzed proposals from CJ Lake and Clark Hill. All three proposals were in the competitive range and invited to oral interviews.

The oral interviews were held on October 8 and 9, 2020. At the conclusion of interviews, the Committee combined scores for technical qualifications, cost, and oral interviews.

The Committee determined the proposal from CJ Lake presented the best value to the District for federal legislative advocacy services. Emily Bacque, the proposed Project Manager, has worked with the District since 2005 and has managed BART's federal legislative efforts since 2010. The project team for CJ Lake possess historic knowledge of the District's top priorities, has skillfully represented BART before members of Congress and the Administration, and is well positioned to continue to assist BART in recovery efforts related to COVID-19. CJ Lake earned the highest scores in both the technical review and oral interview. The firm's total proposed cost to provide federal legislative advocacy services for the base three-year term of the Agreement is \$756,000. The Agreement provides for two option years under the same compensation as year three of the Agreement.

The Committee further determined the proposal from CSA presented the best value to the District for state legislative advocacy services. Jim Lites, the proposed Project Manager, has over two decades of experience serving the District and will provide advocacy

continuity. The overall project team demonstrated broad and current experience, knowledge, and expertise to serve as the District's state advocates. CSA earned the highest scores in both the technical review and oral interview. The firm's total proposed cost to provide state legislative advocacy services for the base three-year term of the Agreement is \$486,000. The Agreement provides for two option years under the same compensation as year three of the Agreement.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by the DGS among the responsive bidders and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). CSA and CJ Lake will not be subcontracting any portion of the work and, therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Office of the General Counsel will approve each Agreement as to form.

FISCAL IMPACT:

Legislative advocacy services are covered under the Government and Community Relations Department (Department 0604366) Fiscal Year (FY) 2021 operating budget for professional and technical services (Account 681300). Funding for subsequent years of the Agreements will be requested in the proposed annual operating budget, which is subject to Board approval.

The maximum compensation for the five-year Agreements is not to exceed \$2,106,000. The maximum compensation for both Agreements by fiscal year is as follows:

	State Advocacy	Federal Advocacy	Total Services
FY 2021*	\$100,000	\$168,000	\$268,000
FY 2022	\$154,000	\$252,000	\$406,000
FY 2023	\$172,000	\$252,000	\$424,000
FY 2024	\$180,000	\$252,000	\$432,000
FY 2025	\$180,000	\$252,000	\$432,000
FY 2026 **	\$60,000	\$84,000	\$144,000
Total	\$846,000	\$1,260,000	\$2,106,000

* FY21 funding is not a full fiscal year. Agreements are expected to begin November 1, 2020.

**** FY26 funding is a not a full fiscal year. Agreements are expected to end November 1, 2025.**

This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Not to award the Agreements and re-advertise the RFP. It is staff's opinion that not awarding the Agreements would diminish the District's prospects for successfully accomplishing its federal and state advocacy program as well as adversely impact the District's ability to secure future federal or state funding.

RECOMMENDATION:

That the Board approve the following motions:

MOTIONS:

1. The General Manager is authorized to award Agreement No. 6M7297 to CJ Lake, LLC to provide federal legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$1,260,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.
2. The General Manager is authorized to award Agreement No. 6M7299 to California Strategies & Advocacy, LLC to provide state legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$846,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.