



Midpeninsula Regional
Open Space District

R-20-125
Meeting 20-25
October 28, 2020

AGENDA ITEM 3

AGENDA ITEM

Award of Contract for Legislative Consulting and Lobbying Services

GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to enter into a four-year contract with Energy and Environmental Consulting (EEC) for an amount not to exceed \$79,070 for legislative consulting and lobbying services. This includes a 2% contingency (\$1,550) to cover travel expenses to Board meetings and project locations should it be necessary.

SUMMARY

The Midpeninsula Regional Open Space District (District) relies on legislative consulting and lobbying services to advance District priorities concerning environmental, natural resource, local governance, and funding issues in the California legislature. Based on the results of a Request for Proposals (RFP) issued on August 3, 2020, the General Manager recommends entering into a four-year contract with EEC for an amount not to exceed \$79,070 for strategic planning, representation and advocacy on matters related to mission-based issues and governance. A four-year contract would cover two, two-year legislative sessions. As part of the contract, EEC would sub-contract with Public Policy Advocates (PPA) to leverage their special district governance policy expertise. Sufficient funds are available for work in Fiscal Year 2020-21. Additional funds will be requested in future fiscal year budgets as part of the annual Budget and Action Plan process for work in subsequent fiscal years.

DISCUSSION

Background

For the majority of its existence, the District met its need for legislative consulting and lobbying services by contracting with Public Policy Advocates (PPA), who specialized in the type of local governance issues important to a special district. In 2017, the District expanded legislative activity into mission-related and funding areas, and initiated an RFP for both environmental and governance legislative consulting and lobbying services under a single, overarching contract. Unfortunately, no single firm met the District's governance and environmental lobbying needs, so two smaller contracts were signed in 2017 with PPA and EEC separately for a total of \$88,085 (\$38,760 and \$49,325 respectively). Each contract was renewed annually.

With the upcoming conclusion of this contract, the District proceeded to re-solicit proposals for a new four-year contract in 2020.

Consultant Selection

An RFP was issued on August 3, 2020 and posted on BidSync to solicit interest from qualified legislative consulting and lobbying firms. The RFP was also sent directly to several well-known firms. The deadline for submission was August 28, 2020. The scope of work covered strategic planning, representation, advocacy services, as well as assistance fostering relationships with the District's legislative delegation and key elected and administration officials.

A total of six proposals were received, as shown below:

Firms	Proposed Annual Fee
Environmental and Energy Consulting/Public Policy Advocates	\$77,520
Golden Bridge Strategies	\$28,800
Nossaman, LLP	\$48,000
Priority Strategies	\$84,000
Renne Public Policy Group	\$54,000
Townsend Public Affairs	\$60,000

Following a review of the proposals and consultant qualifications, District staff interviewed five of the firms and unanimously ranked the combined proposal of EEC/PPA as the most qualified and best suited for the service. While EEC/PPA was not the least expensive, their depth of knowledge and experience in relevant policy areas, as well as their approach to policy development and advocacy through fostering coalitions set them apart from the other applicants. In addition to the direct support and services EEC has provided the District, they currently manage two statewide environmental policy coalitions. One is the Wildlife Corridor Working Group, which focuses on advancing policy and funding to enable wildlife crossing projects like the District's Highway 17 project. The group was key in passing AB 2087 (Levin, 2017), which established the Regional Conservation Investment Strategy (RCIS). The RCIS is in the process of ramping up and will potentially help fund the Highway 17 project. The group has also worked to foster better working relationships between staff and leadership at the California Department of Fish and Wildlife (CDFW) and Caltrans to overcome hurdles related to wildlife crossings and identify more integrated solutions. The second statewide coalition is the Clean Water Natural Resources and Parks (CNWRP) coalition, which creates effective funding solutions to meet statewide conservation goals. Their participation in passage of Prop 68 (2018) was instrumental.

Beyond EEC's coalition work, among their accomplishments were:

- Collaboration with Senator Beall to re-appropriate and increase flexibility for the Wildlife Conservation Board's \$10 Million to support District projects in the Lexington Basin until 2025.
- Protection of the previously extended sunset date for Habitat Conservation Fund in the 2020-2021 Budget, which the District has leveraged on several projects in the past.
- Guidance and leadership in facilitating discussions with legislators, state agencies, the Newsom Administration, and stakeholders to promote a new definition for underserved communities to ensure funding eligibility for conservation projects in the Bay Area.
- Engaged in key advocacy efforts to pass AB 1788 (Bloom, 2020) which would limit the use of second-generation anticoagulant rodenticides in the state.
- Supported Proposition 64 funding for equitable outdoor access programs for youth.
- Successfully blocked AB 1190 (Irwin, 2019) to preserve Midpen's ability to restrict the use of drones on its properties.

- Helped pass AB 209 (Limón, 2019), which established the Outdoor Equity Grant Program to provide underserved communities opportunities for outdoor experiences.

PPA's track record for the District over the years has been notable as well. Among their accomplishments on behalf of the District were:

- The sponsorship and passage of SB 492 (Beall, 2017) to enable Midpen to more easily acquire and preserve land located in the Upper Guadalupe, Los Gatos Creek, and Saratoga Creek Watersheds from the San Jose Water Company (SJWC)
- Sponsorship and passage of SB 793 (Hill, 2017) to allow design-build on construction projects as a tool to maximize public funds.
- Enacted legislation to provide that indebtedness that is incurred by the District after 2012 be repaid during a period that does not exceed 30 years (AB 612, 2011).
- Enacted legislation to increase to \$50,000 the maximum contract value which the District may enter without using a formal bid process (AB 495 (Gordon, 2015)).

The cost of this new, consolidated contract with EEC is less than the combined amount of the current individual contracts with each firm (\$88,085 versus \$79,070). EEC will serve as the primary consultant and subcontract with PPA as needed, for added resource and cost efficiencies.

FISCAL IMPACT

There are sufficient funds in the FY21 Budget to cover the cost of the recommendation this fiscal year. Funds for future fiscal year work will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process.

BOARD COMMITTEE REVIEW

A Board Committee did not previously review this item.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon Board approval the General Manager will direct staff to enter into a contract with EEC. The Board of Directors will receive updates throughout each legislative session.

Responsible Department Head:
Korrine Skinner, Public Affairs Department

Prepared by:
Joshua Hugg, Governmental Affairs Specialist