



**October 15, 2020**

**To:** Legislative and Communications Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Agreement for State Legislative Advocacy and Consulting Services

### **Overview**

On June 22, 2020, the Board of Directors approved the release of a request for proposals for state legislative advocacy and consulting services to begin when the present term for these services expires on December 31, 2020. One proposal was received and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

### **Recommendations**

- A. Approve the selection of Topp Strategies, LLC, as the firm to provide state legislative advocacy and consulting services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2369 between the Orange County Transportation Authority and Topp Strategies, LLC, in the amount of \$420,000, for a two-year initial term, effective January 1, 2021 to December 31, 2022, with two, two-year options, to perform state legislative advocacy and consulting services.

### **Discussion**

The Orange County Transportation Authority's (OCTA) state legislative advocacy consultants represent the agency's positions on legislation, policy issues, and funding priorities before the State Legislature, Administration and administrative agencies. The state legislative advocacy consultants also provide input to the OCTA legislative platform, notify staff of relevant proposed legislation, legislative activity affecting OCTA, and provide timely updates and strategy for transportation issues and events occurring in Sacramento.

Presently, OCTA's state legislative advocacy and consulting services are provided by Platinum Advisors, LLC (Platinum), with a subcontract to Topp Strategies, LLC (Topp Strategies) with Moira Topp as the lead legislative advocate for OCTA. OCTA first contracted with Platinum with Topp Strategies as a subcontractor in 2014. Moira Topp has served as OCTA's lead legislative advocate since 2007. The firm is currently paid \$17,500 per month, and their contract expires on December 31, 2020.

### ***Procurement Approach***

This procurement was handled in accordance with OCTA's Board of Directors (Board)-approved procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering factors such as qualifications, prior experience with similar projects, staffing and project organization, work plan, as well as cost and price.

On June 22, 2020, the Board approved the release of Request for Proposals (RFP) 0-2369, which was electronically issued on CAMM NET. The project was advertised in a newspaper of general circulation on June 24, and 29, 2020. A pre-proposal conference was held virtually on July 14, 2020 and was attended by two firms. Three addenda were issued to make available the pre-proposal conference registration sheets, as well as the presentation, and for administrative notifications.

On August 14, 2020, one proposal was received from Topp Strategies. In accordance with OCTA's procurement policies and procedures, a single proposal received for a procurement over \$50,000 requires OCTA's Internal Audit Department (Internal Audit) to conduct a review to determine if there was adequate competition. Based on Internal Audit's review, there were no findings that concluded the procurement restricted competition. In addition, Contracts Administration and Materials Management (CAMM) contacted one of the firms that attended the pre-proposal conference along with all the consultants on the plan holder's list, which indicated they were interested in submitting a proposal to inquire why they did not submit proposals. The responses from the firms varied with one firm responding that representing OCTA would pose a conflict of interest based on their current client portfolio, to another firm stating it was a business decision not to submit a proposal as it is a culture in Sacramento that if a lobbying client is currently represented, most firms will pass on submitting a proposal. Another firm stated that they were not interested in proposing on the project.

An evaluation committee consisting of OCTA staff from the Executive Office, Government Relations, and CAMM departments was established to review the proposal received from Topp Strategies.

The proposal was evaluated based on the following Board-approved evaluation criteria and weightings:

• Qualifications of the Firm	25 percent
• Staffing	35 percent
• Work Plan	25 percent
• Cost and Price	15 percent

Several factors were considered in developing the four criteria weightings. Qualifications of the firm was weighted at 25 percent because it is important that the firm demonstrated it has performed these services for other similar clients and has the necessary access to the state legislators and their staff. Staffing was weighted highest at 35 percent as it is the most critical element to the success of these services. The firms needed to demonstrate that key personnel were knowledgeable of the political and economic climate and the ongoing transportation issues that face the State of California. The work plan was also weighted at 25 percent as the firms needed to demonstrate their understanding of OCTA's needs and be able to advocate on OCTA's behalf. Finally, cost and price was weighted at 15 percent as the firm must demonstrate that they can perform the services at maximum cost efficiencies to ensure that OCTA receives value for the services provided.

The evaluation committee virtually conducted an interview with Topp Strategies and their proposed subcontractor, Platinum. The interview consisted of a brief overview of the team's organization plan, as well as an opportunity to respond to the evaluation committee's questions.

The following is a brief summary of the proposal evaluation results.

#### Qualifications of Firm and Staffing

The principal and founder of Topp Strategies is Moira Topp. She has served as OCTA's primary legislative advocate since 2007. During this period of time, she has been successful in securing several important pieces of legislation for OCTA including AB 401 (Chapter 586, Statutes of 2013), which provided design-build authority for the Interstate 405 Improvement Project, SB 1119 (Chapter 606, Statutes of 2018), which allowed OCTA to use Low Carbon Transit Operations

Program funding to expand reduced fare transit pass programs for college students, and the securing of an audit by the State Auditor analyzing the impacts online sales have on the Local Transportation Fund. In addition, Moira Topp has existing relationships with all Orange County delegation members, leadership within the Legislature and the Administration, as well as administrative agencies. The proposed project team demonstrated familiarity with not only OCTA policy priorities, but also its programs and projects, which will help facilitate future conversations surrounding transportation.

Furthermore, the proposed team would continue the involvement of Platinum as a subcontractor, which will allow OCTA to continue to access representatives from that firm when needed. This arrangement reflects existing practice, where Moira Topp serves as OCTA's day-to-day contact, but representatives of Platinum are used as needed.

#### **Work Plan**

The work plan proposed by Topp Strategies demonstrated a knowledge of key policy discussions that will be taking place over the next legislative session which will directly impact OCTA. This includes how projected revenue shortfalls will be addressed not only in the state budget, but also within transportation funding programs. Many of the potential proposals are likely to be extensions of issues Topp Strategies has already worked on for OCTA in past sessions, including efforts to reprioritize the State Transportation Improvement Program and added priorities to how funding from SB 1 (Chapter 5, Statutes of 2017) is distributed. In addition, the work plan demonstrated the expectation that other policy discussions will be extended into next legislative session, including those related to toll enforcement and interoperability, expansion of free transit fares, and efforts to strengthen and/or accelerate environmental regulations related to transportation. Because Topp Strategies has worked on behalf of OCTA on each of these issues in the past and understands OCTA's positions, they would be able to immediately engage on these issues.

#### **Cost and Price**

CAMM also conducted a price review. The monthly fixed-fee in the amount of \$17,500 proposed by Topp Strategies is deemed fair and reasonable as it is below the independent cost estimate prepared by OCTA staff, and it is the same monthly fee that OCTA currently pays for these services.

### **Procurement Summary**

Based on the evaluation of the written proposal, the firm's qualifications, and the information obtained from the interview, the evaluation committee recommends the selection of Topp Strategies as the consultant to provide state legislative advocacy and consulting services. The Topp Strategies team demonstrated strong relevant experience and submitted a thorough and comprehensive proposal that was responsive to all requirements of the RFP.

The agreement will be a firm-fixed contract with a two-year initial term and two, two-year option terms. The amount of the initial term is \$420,000.

### **Fiscal Impact**

OCTA staff is not recommending any increase in the total contract amount for state legislative advocacy services above what has been authorized by the Board in the Fiscal Year (FY) 2020-21 Budget. This amount is included in the OCTA FY 2020-21 Budget, Account No. 1412-7519-A3202-KSH.

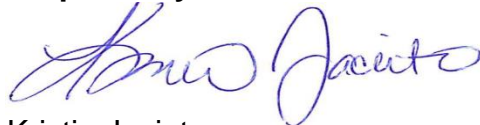
### ***Summary***

Based on the information provided, staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2369 between the Orange County Transportation Authority and Topp Strategies, LLC in the amount of \$420,000 for a two-year initial term, effective January 1, 2021 through December 31, 2022, with two, two-year option terms to provide state legislative advocacy and consulting services.

***Attachment***

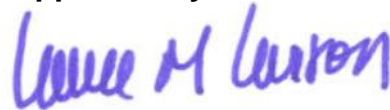
None.

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