

# Memorandum



Date: June 10, 2010

To: Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

From: George M. Burgess  
County Manager

Supplement to  
HPSI  
Agenda Item No. 3D Substitute

Subject: Supplement to Recommendation for Approval to Award Contract Nos. RFQ685a, RFQ685b, and RFQ685c: Governmental Representation and Consulting Services in Washington, DC

On May 13, 2010, the recommendation to award three contracts to provide Governmental Representation and Consulting Services in Washington, DC was presented at the Health, Public Safety, and Intergovernmental (HPSI) Committee. At the meeting, information regarding the next four ranked vendors (after the top three vendors recommended for award) was requested. Specifically, the HPSI Committee inquired as to whether each of the next four ranked vendors were local or non-local. The HPSI Committee questioned whether the Patton Boggs, LLP (a vendor recommended for award) contract with Hartsfield-Jackson Atlanta International Airport posed a conflict. Additionally, the HPSI Committee asked about the impact on the contracts should the budget for the services be cut. Subsequent to the HPSI Committee meeting, Commissioner Heyman requested a listing of all vendors not recommended for award. The Commissioner also requested a review of the available Board of County Commissioners (Board) meeting dates before the Board's August recess. The purpose of the review is to determine any constraints regarding the potential to renew the existing contracts if the award recommendation for the successor contracts was delayed beyond the Board's August recess. This supplement provides a response to these issues.

### Local/Non-local Designation of Vendors Ranked 4 through 7:

The vendors not recommended for award ranked 4 through 7, along with a local/non-local designation of each based on principal business address, is provided below:

NEXT FOUR RANKED VENDORS		
Ranking	Vendor	Principal Business Address
4.	Akerman Senterfitt (Non-local vendor)	255 South Orange Avenue 13 <sup>th</sup> Floor Orlando, FL 32801
5.	Cardenas Partners, LLC (Local vendor)	2200 S. Dixie Highway Suite 400 Miami, FL 33133
6.	Venable LLP (Non-local vendor)	750 E. Pratt Street Suite 900 Baltimore, MD 21202
7.	Foley & Lardner, LLP (Non-local vendor)	777 E. Wisconsin Avenue Suite 3800 Milwaukee, WI 53202

### Patton Boggs, LLP's Contract with Hartsfield-Jackson Atlanta International Airport:

County legislation prohibits contract lobbyists from representing any client and/or issue that may be adverse to the County without first requesting permission from the County. Most recently, the County

adopted Resolution R-56-10, on January 21, 2010, which states: "If the contract lobbyist has no conflicts, then the lobbyist shall provide a written statement that the contract lobbyist has no conflicts prior to award." Each of the recommended vendors complied with this requirement and notified the County they had no conflicts.

The governmental representation solicitation included language prohibiting awarded vendors from representing competing airports based on the judgment of the County. In its proposal, Patton Boggs, LLP (Patton) disclosed its contract with Hartsfield-Jackson Atlanta International Airport (Hartsfield-Jackson). This issue was duly considered by the Evaluation/Selection Committee as well as the Negotiation Team, including representatives from the Office of Intergovernmental Affairs and the County Attorney's Office. Patton provides federal policy consulting services to Hartsfield-Jackson on Federal Aviation Administration (FAA) Reauthorization issues. Patton does not represent Hartsfield-Jackson on appropriations matters. Therefore, representing Miami International Airport (MIA) on its appropriation issues should not pose a conflict.

MIA's current legislative priorities are also airport industry priorities. The MIA priorities include FAA Reauthorization issues, such as increasing and indexing for inflation Passenger Facility Charges, increasing Airport Improvement Program funding, and permanently eliminating the Alternative Minimum Tax penalty on airport private activity bonds. The nature of the consulting services Patton provides to Hartsfield-Jackson does not present a competitive situation to MIA's legislative priorities, but rather a complementary one, thus strengthening Miami-Dade County's ability to effect changes favorable to MIA business operations.

Miami-Dade Aviation Director, Mr. Jose Abreu, was consulted regarding this matter and the potential for a conflict. Mr. Abreu concurred that Patton's experience with Hartsfield-Jackson complemented the County's legislative position, rather than conflicting with it. Additionally, the contract with Hartsfield-Jackson terminates in June 2010, before the County's contract will become effective. Therefore, there is no potential for a conflict on this matter.

**Impact on the Contracts due to Budget Cuts:**

Should the County budget for these services be reduced, the County could renegotiate the services and payments with the vendors. In the instance that the budget for these services was cut entirely, the County could exercise its option to terminate the contracts for convenience.

**List of all Remaining Vendors Not Recommended for Award:**

In addition to the vendors ranked 4 through 7 above, the following vendors are not recommended for award. One vendor's proposal was submitted late, and was not accepted or scored. None of the other vendors listed below were invited by the Evaluation/Selection Committee to make an oral presentation, as they were no longer under consideration after the initial scoring. Therefore, there is no ranking assigned to these vendors.

- Dutko Worldwide
- Sandler, Travis & Rosenberg, P.A.
- James Lee Witt Associates, part of Global Options
- The Ferguson Group, LLC
- BGR Government Affairs, LLC
- Akin Gump Strauss Hauer & Feld
- EOP Group, Inc. (late proposal not accepted)

**Timing of Renewal of Existing Contracts if Successor Contracts are Delayed Beyond the Board's August Recess:**

There are three active contracts for these services. The contracts expire August 5, 2010. The last scheduled Board meeting before the August recess is August 3, 2010.

If the successor contracts are not awarded by the August 3<sup>rd</sup> Board meeting, there will not be any contracts in place for these services until the Board takes action after the recess, unless the existing contracts are renewed. Any request to renew the existing contracts would need to be placed on the July 15, 2010 HPSI Committee agenda, and forwarded to the August 3, 2010 Board agenda, in order to be approved before the August recess.



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Assistant County Manager