

DATE: FEBRUARY 17, 2021

FROM: GOVERNMENT AFFAIRS

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF AGREEMENT WITH HOLLAND AND KNIGHT LLP FOR FEDERAL GOVERNMENT ADVOCACY SERVICES IN WASHINGTON, D.C.

SUMMARY:

Staff requests approval of an Agreement for federal government advocacy services in Washington, D.C. for the City of Los Angeles Harbor Department (Harbor Department) with Holland & Knight, LLP. The firm is incorporated in Florida, and the Harbor Department's points of contact are located in Washington, D.C. The proposed Agreement is for a one-year term with two one-year options to extend, for a total of up to three years, with a not-to-exceed amount of \$270,000, which is \$90,000 per year, resulting in a monthly fee of \$7,500. The total authority of the proposed Agreement is \$270,000 over three years. The Harbor Department is financially responsible for payment of expenses incurred under the proposed Agreement.

RECOMMENDATION:

It is recommended the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the Los Angeles City Charter (Charter), Section 1022, work under the subject Agreements is temporary in nature and can be performed more feasibly by an independent contractor rather than by City of Los Angeles (City) employees;
3. Approve the proposed Agreement with Holland & Knight, LLP. The proposed Agreement is for a one-year term with two one-year options to extend, for a total of up to three years, with a not-to-exceed amount of \$270,000, which is \$90,000 per year, resulting in a monthly fee of \$7,500. The total authority of the proposed Agreement is \$270,000 over three years;
4. Authorize the Executive Director to execute, and the Board Secretary to attest to, the proposed Agreement; and
5. Adopt Resolution No. _____

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DISCUSSION:

The Los Angeles City Charter (Charter), Section 231 (h), and Executive Directive No. 1A-2 (Oct. 29, 2004) specifies that the Office of the Mayor holds primary responsibility for City of Los Angeles intergovernmental relations. The Charter provision and the procedures adopted to carry out this provision are designed to ensure a unified voice and coordinated legislative strategy when representing the City's interests.

The Harbor Department's Government Affairs Division (GAD) works closely with the Mayor's Office of External Relations in Los Angeles and Washington, D.C., to advance the Harbor Department's federal legislative agenda, support the Harbor Department's strategic goals, and pursue a broad range of Harbor Department objectives, including protecting and securing funding, and developing policy related to the maritime supply chain and port-related infrastructure, including transportation, rail, civil works projects, security, trade development and environmental protection, and various federal advisory committees.

The Harbor Department has retained federal advocacy services over the last decade to support its evolving federal legislative goals, which has resulted in favorable policy changes, establishment of new programs, and federal grant dollars being awarded to the Harbor Department. The Harbor Department has spent approximately \$22,500 per month on federal government advocacy services over the last three years, which is consistent with the proposed federal advocacy agreement and expenditures by comparable agencies in terms of budget and diversity of policy issues.

Federal advocates work under the direction of the Harbor Department's Director of Policy and Legislative Affairs.

Need for Agreements - Staff has identified the continued need to retain advocacy firms to support the Harbor Department's strategic goals of maintaining and developing stronger relationships, particularly with the new Presidential Administration and new Congress, and pursuing legislative or administrative actions to enhance our competitive advantage. Specifically, the Harbor Department requires a consistent, day-to-day presence in Washington, D.C. through advocates who are accountable to the Harbor Department, in order to do the following (not an exhaustive list):

- A. Advance the Port's Federal Legislative Priorities: Develop and implement strategies in support of Departmental federal priorities, such as supportive policies and funding for the Harbor Department's projects and programs, including, but not limited to, major civil works projects, dredging, transportation infrastructure, homeland security enhancements, environmental initiatives, and trade development. Basic functions include:
 - Developing and proposing changes to laws, regulations, or administration policy to support Harbor Department goals.
 - Securing sponsors and co-sponsors on specific legislative and advocacy initiatives, building support among both House and Senate leadership, and cultivating additional bipartisan support from Congressional Members and Committees of jurisdiction in both chambers of the U.S. Congress.

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- Garnering support from Administration agencies, including the White House, federal departments, commissions, boards and their staffs to advance the Harbor Department's priorities.
 - Engaging in coalition building to support the Harbor Department's advocacy objectives, including working with industry, environmental groups, and other interest groups to garner support for specific legislative and policy initiatives.
- B. Conduct Follow-Up and Ongoing Development of Federal-Level Agenda: The Port of Los Angeles needs to continually develop and maintain positive, productive relationships with existing and incoming Administration officials, Federal legislators, appointed officials, and various agency staff. Federal advocates will assist the Harbor Department with access to meetings and translate these visits into tangible legislative and/or administrative activity in Washington, D.C. Continued development of these relationships is most effective when staff follow-up is done on a consistent basis.
- C. Expediting Projects and Monitoring Regulations: Federal advocates will assist in working with Federal agencies (i.e. U.S. Army Corps of Engineers, U.S. Department of Transportation, U.S. Department of Commerce, U.S. Environmental Protection Agency, Federal Maritime Commission, U.S. Department of Homeland Security, etc.) to expedite delivery of major Harbor Department projects, to develop and implement supportive policies, and to support compliance with federal regulations.
- D. Federal-Level Coordination Required for National Freight Planning, Supply Chain Optimization Efforts, and National Economic Recovery: The Fixing America's Surface Transportation (FAST) Act established a framework for development of a National Freight Strategic Plan and set the stage for development of freight provisions for successor legislation. Additionally, federal activity has increased in the area of supply chain optimization. Lastly, Congress will likely begin development of infrastructure legislation to accelerate national economic recovery. These efforts have competitive implications for the Harbor Department and require a greater amount of engagement and coordination at the federal level

Consultant Selection - On October 5, 2020, the Harbor Department issued a Request for Proposals (RFP) for Federal Legislative Advocacy Services, which is in keeping with the City Charter requirements and Board policies of open competition for professional services; the RFP was published on the Port of Los Angeles website and posted on the Los Angeles Business Assistance Virtual Network.

Ten firms responded to the RFP. The proposals were evaluated by the selection committee, consisting of two Port staff and one outside representative from a regional transportation planning agency. Evaluations were based on the written proposal that demonstrated firm qualifications, experience, and references; project organization, personnel, and staffing; project management; rates, fees, and budget control; and quality and responsiveness of the proposal. The selection committee virtually interviewed seven firms with the highest scores. The Harbor Department selected the following firms: (1) Nossaman LLP.; (2) Holland & Knight LLP; and (3) Kadash & Associates, LLC, as the most qualified proposers. These firms were selected based on their background, policy experience and expertise, and bipartisan

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relationships with relevant government officials. Each of the firms have offices in the greater Washington, D.C. area where the Harbor Department's main points of contact are located.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of an Agreement for federal government advocacy services located in Washington, D.C. for the Harbor Department with Holland & Knight, LLP, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The Harbor Department has spent approximately \$22,500 per month on federal government advocacy services over the last three years. The proposed Agreement is for a one-year term with two one-year options to extend, for a total of up to three years, with a not-to-exceed amount of \$270,000. The authority amount for the Agreement is \$90,000 per year resulting in a monthly rate of \$7,500. The total authority of the proposed Agreement is \$270,000 over three years. Funds for Fiscal Year 2020-2021 have been budgeted for the proposed Agreement in Account No. 54290 (Miscellaneous Professional Services), Center No. 260, Program No. 000. Funds for future fiscal years will be requested to be budgeted as part of the annual budget, upon Board approval. A funding out clause has been included in the proposed Agreement. It is anticipated that funds for this Agreement will be expended as follows:

Fiscal Year 2020/2021	\$22,500
Fiscal Year 2021/2022	\$90,000
Fiscal Year 2022/2023	\$90,000
Fiscal Year 2023/2024	\$67,500
Total:	\$270,000

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the Agreement as to form and legality.

TRANSMITTALS:

1. Agreement between the City of Los Angeles and Holland & Knight, LLP, and
2. RFP Evaluation Score Sheet and Interview Score Sheet

FIS Approval: MB
 CA Approval: JS

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