



**DATE: SEPTEMBER 12, 2012**

**FROM: GOVERNMENT AFFAIRS**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF AGREEMENT WITH SHAW, YODER, ANTIWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO**

**SUMMARY:**

Staff recommends approval of the Agreement with Shaw, Yoder, Antwih, Inc., 1415 L Street, Suite 1000, Sacramento, California, 95814, for California State (State) government advocacy for the City of Los Angeles Harbor Department (Harbor Department). The proposed Agreement is for a two-year term with a not-to-exceed amount of \$150,000 per year, for a total amount of \$300,000.

**RECOMMENDATION:**

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

1. Find that in accordance with the Los Angeles City Charter (Charter), Section 1022, work under the subject Agreement is temporary in nature and can be performed more feasibly by an independent contractor rather than by City of Los Angeles (City) employees;
2. Approve the proposed Agreement with Shaw, Yoder, Antwih, Inc., located at 1415 L Street, Suite 1000, Sacramento, California 95814, for a two-year term with a not-to-exceed amount of \$150,000 per year, for a total amount of \$300,000;
3. Authorize the Executive Director to execute, and the Board Secretary to attest to, the proposed Agreement; and
4. Adopt Resolution No. \_\_\_\_\_.

DATE: SEPTEMBER 12, 2012

PAGE 2 of 6

SUBJECT: AGREEMENT WITH SHAW, YODER, ANTWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO

**DISCUSSION:**

**City of Los Angeles (City) Representation** – 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 the City's 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 Legislative and Intergovernmental Relations at the State level to advance the Harbor Department's legislative agenda, support the Harbor Department's strategic goals (i.e. Key Results Areas), and pursue a broad range of Harbor Department objectives, including protecting and securing funding and developing policy related to port infrastructure, security, trade development and environmental protection.

**Need for Agreement** – Staff has identified a need to retain a State advocate to support the Harbor Department's strategic goal of maintaining and developing stronger relationships. Specifically, the Harbor Department requires a consistent, day-to-day presence in Sacramento by an advocate that is accountable to the Harbor Department, in order to do the following (not an exhaustive list):

- A. **Advance an Expanding State Legislative Agenda:** During the last legislative session, the Harbor Department actively tracked over 70 bills. Two bills were Harbor Department sponsored/supported and required significant staff attention and resources:
1. Trade Promotion Tax Credit Bill (AB 2656): This bill was held on suspense as of August 8, 2012. The Harbor Department will continue to work with bill advocates in the next session to obtain passage of a trade tax credit, which incentivizes increased trade activity through California ports and trade-related job creation. We will continue to build support from relevant stakeholders (e.g. business community and labor), but will require constant activity in the State Capitol.
  2. Port Security/POST Certification Bill (AB 2571): This bill was also held in committee and will be part of our agenda in the next session. This bill requires maritime law enforcement officers to receive Peace Officers Standards and Training (POST) certification. POST certification is

DATE: SEPTEMBER 12, 2012

PAGE 3 of 6

SUBJECT: AGREEMENT WITH SHAW, YODER, ANTWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO

required in all law enforcement areas except for maritime. The professionalization of maritime law enforcement is of strategic importance to California ports. The Port of Los Angeles' Maritime Law Enforcement Training Center (MLETC) has developed a curriculum and is one of the only providers for this training. As such, the POST certification bill, along with the federal certification of our instructors and our alliance with Federal Law Enforcement Training Center (FLETC), will assist the MLETC in achieving operational self-sufficiency.

In addition, bills related to international trade, environmental regulation, the California Environmental Quality Act (CEQA), the Global Warming Solutions Act (AB 32), and development of new funding sources are being monitored closely by Government Affairs Division staff.

- B. Conduct Follow-Up and Ongoing Development of our State-Level Agenda: The Harbor Department has received increased interest and attention from the State government. This is apparent through increased visits and meetings with State legislators, appointed officials, and various agency staff. A State advocate will assist the Harbor Department with follow-up and translate these visits into tangible legislative and/or administrative activity in Sacramento. Continued development of these relationships is best fostered when staff follow-up is done on a consistent, face-to-face basis.
- C. Expediting Projects and Monitoring Regulations: A State advocate will assist in working with State agencies (i.e. California Transportation Commission, Caltrans, California Public Utilities Commission, California Air Resources Board, and State Lands Commission) to expedite delivery of major Harbor Department projects and compliance with environmental regulations.
- D. State-Level Coordination Required to Advance National Freight Strategy: The recently passed federal transportation bill, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) included a Projects of National and Regional Significance (PNRS) program and provisions that encouraged State-Level freight infrastructure plans. Both of these components of MAP-21 require a greater level of coordination with and advocacy at the State government (esp. the Governor's Office and Caltrans) in support of our federal advocacy efforts.

Note: Beginning on August 1, 2012, the Harbor Department has retained the services of Shaw, Yoder, Antwih, Inc. on a short-term (two-month) basis to assist with activities

**DATE: SEPTEMBER 12, 2012**

**PAGE 4 of 6**

**SUBJECT: AGREEMENT WITH SHAW, YODER, ANTWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO**

listed in Section A (above). This short-term contract in the amount of \$24,500 is in addition to the Agreement proposed herein.

Historically, the Harbor Department retained the services of a State advocate at a not-to exceed amount of \$150,000 per year from February 28, 2007 to November 2, 2009. Harbor Department staff decided it would handle State advocacy efforts in-house after the expiration of the contract; however, this created gaps in our State relations, especially in Section A, B, and D. Today, our State advocacy efforts lack the consistency of other organizations. Various California ports have Sacramento advocate representation. Those ports are Sacramento, Stockton, Oakland, San Francisco, Long Beach and San Diego. Furthermore, it is clear that we cannot continue to rely solely on the support of the Mayor's Office of Legislative and Governmental Relations, as their resources are similarly spread across multiple issues beyond our own. It is worth noting that Los Angeles World Airports and the Department of Water and Power both have State advocates representation in Sacramento.

**Consultant Selection** – The Harbor Department, therefore, carried out the following process to identify the best consultant.

On May 15, 2012, the Harbor Department issued a Request for Proposals (RFP), which in keeping with the City Charter requirements and Board policies of open competition for professional services was published on the Port of Los Angeles website and posted on the Los Angeles Business Assistance Virtual Network.

Seven firms responded to the RFP. The proposals were evaluated by the Selection Committee, consisting of three Harbor Department staff and one outside government affairs professional. Evaluations of the submitted written proposals were based on demonstrated knowledge of port issues, familiarity with the City of Los Angeles, and the overall maritime industry; strong experience working with the Governor's Administration, the California Legislature, State Departments and/or regulatory agencies; ability to develop legislative language and strategy, funding plan development and implementation, sound project team organization, relevant experience and expertise; ability to address conflicts of interest; and comprehension of the Harbor Department's major areas of interests including transportation, security, economic development and environmental policy and projects. The Selection Committee chose three firms for interviews.

The Harbor Department interviewed the three firms on June 14, 2012. Of the three firms that were interviewed, the Harbor Department selected Shaw, Yoder, Antwih, Inc. as the

**DATE: SEPTEMBER 12, 2012**

**PAGE 5 of 6**

**SUBJECT: AGREEMENT WITH SHAW, YODER, ANTWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO**

most qualified bidder. This firm was selected based on its background, policy experience, and bipartisan relationships with relevant government officials.

Shaw, Yoder, Antwih, Inc. will work under the direction of the Harbor Department's Senior Director of Government Affairs.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of an Agreement with Shaw, Yoder, Antwih, Inc. for State government advocacy representation for the Harbor Department. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.

**ECONOMIC BENEFITS:**

This Board action will have no employment effect for the five-county region.

**FINANCIAL IMPACT:**

The proposed two-year Agreement is for a not-to-exceed amount of \$150,000 per year. The total authority amount for the two-year Agreement is \$300,000. Funds for the Fiscal Year 2012-2013 have been budgeted in the amount of \$150,000 for the proposed Agreement in Account No. 54290, Center No. 260, Program No. 000. Funds for the future fiscal year will be requested as part of the annual budget. 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 2012/2013	\$150,000
Fiscal Year 2013/2014	\$150,000
<b>Total:</b>	<b>\$300,000</b>

DATE: SEPTEMBER 12, 2012

PAGE 6 of 6

SUBJECT: AGREEMENT WITH SHAW, YODER, ANTWIH, INC., FOR STATE GOVERNMENT ADVOCACY REPRESENTATION IN SACRAMENTO

CITY ATTORNEY:

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

TRANSMITTAL:

1. Agreement between the City of Los Angeles and Shaw, Yoder, Antwih, Inc.
2. State Advocate RFP Evaluation
3. State Advocate Interview Scores

FIS Approval: KP (initials)

CA Approval: TA (initials)

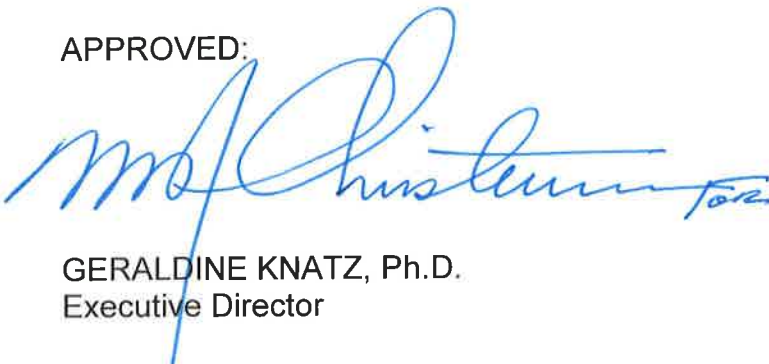


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