



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT**

**Item No.
10**

Meeting Date: **JANUARY 6, 2011**

Subject:

Approve and Authorize the President/CEO to Execute an Agreement with Manatt, Phelps & Phillips, LLC for State Legislative Consultant Services

Recommendation:

Adopt Resolution No. 2011-0008, approving and authorizing the President/CEO to execute an agreement with Manatt, Phelps & Phillips, LLP, for State Legislative Consultant Services in an amount not-to-exceed \$621,600 for four years, including one two-year term, and one additional two-year extension at the exclusive option of the President/CEO.

Background/Justification:

In order to identify and pursue legislative and regulatory opportunities in defense and support of Authority initiatives and programs, the Authority utilizes the services of a legislative consultant in Sacramento. The Authority has previously engaged a consultant to provide these services. The current contract for these services terminates on January 31, 2011.

On November 2, 2010, the Authority issued a Request for Proposals (RFP) for a legislative consultant to advise and advocate on state legislative and regulatory issues. Five firms were sent the public notice of this business opportunity. In addition, the public notice was advertised in the San Diego Daily Transcript and on the Authority's website. Three proposals were received by the December 3, 2010 submittal deadline.

The evaluation committee consisted of a representative from the Inter-Governmental Relations Department and other departments. The evaluation committee convened on December 2, 2010, and selected all three respondents for in-person interviews. These interviews were conducted on December 28, 2010, at San Diego International Airport.

After the interviews were completed, the committee evaluated respondents based on each of the following: primary staff and resources; experience and skills; in-person interviews and presentations; work plans; reasonableness of budget and fee schedules; and references. The panelists' scores for each respondent are reflected in the matrix below. The panelists then ranked each respondent according to these criteria. The rankings were tallied and the lowest score is the preferred respondent.

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| Panelists ▼ | Manatt Phelps Phillips | Edelstein & Gilbert | D. Johnson |
|-----------------|---------------------------|------------------------|------------|
| 1 | 1 | 2 | 3 |
| 2 | 1 | 2 | 3 |
| 3 | 1 | 2 | 3 |
| 4 | 1 | 2 | 3 |
| Total ► | 4 | 8 | 12 |
| Final Ranking ► | 1 | 2 | 3 |

The evaluation committee unanimously ranked Manatt, Phelps & Phillips, LLP, as the preferred respondent. Following the committee evaluations, the President/CEO selected Manatt, Phelps & Phillips, LLP, to represent the Authority as its State Legislative Consultant.

Of all the candidates, Manatt, Phelps & Phillips, LLP, offered the strongest combination of substantive expertise and political experience. The primary liaison is Tom McMorrow, a principal in the law firm who is responsible for the firm's California policy practice and manages the firm's Sacramento office. Mr. McMorrow has over twenty years of experience representing clients before the California State Legislature, Congress, and the Executive Branch in both California and Washington, D.C.

The contract will have an initial two-year term, with an additional two-year extension at the exclusive option of the Authority. The agreement includes a \$11,700 per month retainer. An additional \$15,000 per year is allocated for expenses, as approved in advance by the Authority.

Fiscal Impact:

This contract will result in a maximum annual cost of \$155,400. Funding for the initial 12 months of this contract is included in the Authority's FY 2011-12 budget. Funding for the remaining months of the contract will be included in upcoming budgets.

Environmental Review:

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Equal Opportunity Program:

The Authority's small business program promotes the utilization of small, local, disadvantaged, and other business enterprises, on all contracts, to provide equal opportunity for qualified firms. By providing education programs, making resources available, and communicating through effective outreach, the Authority strives for diversity in all contracting opportunities.

The Authority has a Disadvantaged Business Enterprise ("DBE") Plan as required by the Department of Transportation, 49 CFR Part 26. The DBE Plan calls for the Authority to submit an annual overall goal for DBE participation on all federally funded projects.

This project does not utilize federal funds; therefore, it will not be applied toward the Authority's over-all DBE goal.

Prepared by:

MICHAEL KULIS
DIRECTOR, INTER-GOVERNMENTAL RELATIONS

RESOLUTION NO. 2011-0008

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT WITH MANATT, PHELPS & PHILLIPS, LLP, FOR STATE LEGISLATIVE CONSULTANT SERVICES IN AN AMOUNT NOT-TO-EXCEED \$621,600 FOR FOUR YEARS, INCLUDING ONE TWO-YEAR TERM AND ONE ADDITIONAL TWO-YEAR EXTENSION AT THE EXCLUSIVE OPTION OF THE PRESIDENT/CEO.

WHEREAS, pursuant to Resolution No. 2003-072 R, the Authority Board (the "Board") established a Legislative Advocacy Program (the "Program") as part of its Policies; and

WHEREAS, as stated in the Program Policy, the Board determined that "it is important for the Authority to protect the airport and its planning functions by promoting public policies consistent with the Authority's mandates and objectives"; and

WHEREAS, Authority staff work locally and coordinate with legislative advocates in Sacramento and Washington, D.C., to identify and pursue legislative opportunities in defense and support of initiatives and programs of interest to the Authority; and

WHEREAS, on November 2, 2010, the Authority issued a Request for Proposals (RFP) to award a contract for state legislative consultant services; and

WHEREAS, the competitive process employed by the Authority to evaluate candidates resulted in the conclusion that Manatt, Phelps & Phillips, LLP, is the most qualified candidate;

NOW THEREFORE BE IT RESOLVED that the Board hereby approves and authorizes the President/CEO to execute an agreement with Manatt, Phelps & Phillips, LLP, for State Legislative Consultant Services in an amount not-to-exceed \$621,600 for four years, including one two-year term, and one additional two-year extension at the exclusive option of the President/CEO; and

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BE IT FURTHER RESOLVED that the Board finds that this Board action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21605; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106; and

BE IT FURTHER RESOLVED that the Authority and its officers, employees and agents hereby are authorized, empowered and directed to do and perform all such acts as may be necessary or appropriate in order to effectuate fully the foregoing resolutions.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 6th day of January, 2011 by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
**DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK**

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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