

Date: February 23, 2022

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 22-02-05 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH SUMMIT STRATEGIES GOVERNMENT AFFAIRS LLC (SUMMIT) FOR FEDERAL LEGISLATIVE SERVICES

1. **Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a contract with Summit Strategies Government Affairs LLC (Summit) for the procurement of Federal Legislative Services (Contract).

2. **Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other _____

3. **Type of Contract Procurement**

- Low Bid / Invitation to Bid (ITB)
- Request for Proposals (RFP) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (inc. sole source):

4. **Reason for Board Action**

Board authorization is required for all personal services contracts obligating TriMet to pay in excess of \$500,000.

5. **Type of Action**

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

6. **Background**

TriMet receives a significant portion of its funding from the federal government, primarily from the Federal Transit Administration (FTA), an agency within the United States Department of Transportation (DOT). In addition, TriMet has a significant interest in the continued funding, through appropriations by Congress, of public transit as a whole. Key to

securing this funding is the cultivation and utilization of productive relationships within the federal government, both on the administrative side (DOT/FTA) and the legislative side (Congress). This Contract will help ensure that the public transportation interests of the Portland metropolitan region generally, and TriMet specifically, are fully represented at the national level.

7. **Description of Procurement Process**

TriMet issued a Request for Proposals (RFP) on November 12, 2021, with a proposal due date of December 7, 2021. A total of 169 vendors were notified of the RFP via the TriP\$ website and two of which, Summit and Thorn Run Partners, LLC (Thorn Run) submitted proposals.

A Source Evaluation Committee (SEC) comprised of staff from TriMet’s Public Affairs and Engineering and Construction Divisions, as well as one member from TriMet’s Business Planning & Asset Management department reviewed and evaluated the proposals. The evaluation criteria included: (1) qualifications of the proposer; (2) qualifications of the staff; (3) workforce diversity; (4) approach and methodology of proposer’s work plan; and (5) price. After evaluating the proposals, the two proposers were shortlisted to the competitive range and the SEC opened their price proposals. The SEC then determined that both finalists would be considered for award. Each firm was asked to attend an Interview, which was held on January 5, 2022, and then submit a Best and Final Offer (BAFO) to revise pricing. TriMet received BAFOs on January 13, 2022.

Overall scores of the firms after the BAFO submissions are summarized below:

	Possible Points	Summit	Thorn Run
<i>Evaluation Criteria</i>			
Qualifications of Proposer	10	10	8
Qualifications of Staff	20	19	16
Workforce Diversity	10	6	6
Work Plan (Approach/Methodology)	30	25	21
Technical Proposal Totals . . .	70	60	51
Price Proposal . . .	30	30	27
Total Score . . .	100	90	78
BAFO Pricing . . .		\$1,135,343	\$1,240,000
<i>Independent Cost Estimate . . .</i>		\$1,180,000	

Summit’s proposal was the highest scoring and represented the overall best value to TriMet. Summit proposed a robust staff and has a company presence both in Portland, Oregon and Washington, D.C. In addition, Summit demonstrated that it has excellent relationships with

FTA staff, Oregon's Congressional delegation, as well as other members of Congress. The SEC also felt that Summit thoroughly demonstrated its ability to respond to the regularly changing landscape in the federal government and that it would be able to represent TriMet's interests more effectively. In addition, Summit's proposal was found to be fair and reasonable based on the competition and comparison with TriMet's Independent Cost Estimate (ICE) of \$1,180,000 for the five-year Contract term. Accordingly, staff recommends award of the Contract to Summit.

The proposed Contract with Summit will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience if the Contract needs to be terminated for any reason during that period. Price adjustments are not permitted, as BAFO pricing included profit and annual increases, during the five-year term of the Contract. The total Contract prices will be based on TriMet's actual requirements during the Contract term.

8. **Diversity**

Summit's total employee count is 10, and its workforce is 20% minority and 30% female. Summit will use its own workforce to perform the services under this Contract.

9. **Financial/Budget Impact**

The services are included as a line item in TriMet's Public Affairs Division's annual operating budget.

10. **Impact if Not Approved**

If the Board does not approve the Resolution it will delay essential services and hinder TriMet's ability to foster productive relationships with current and future Members of Congress and other federal government officials. Although the services may be re-procured, it is highly unlikely that re-soliciting will achieve better quality, price, or broader participation. Further, Summit's prices are fair and reasonable, and it is well qualified to perform these services. Contract award to Summit is strongly recommended.

RESOLUTION NO. 22-02-05

**RESOLUTION NO. 22-02-05 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH SUMMIT STRATEGIES GOVERNMENT AFFAIRS LLC
(SUMMIT) FOR FEDERAL LEGISLATIVE SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Summit Strategies Government Affairs LLC (Summit) for the procurement of federal legislative services (Contract); and

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize personal services contracts obligating TriMet to pay in excess of \$500,000; and

WHEREAS, the total amount of the Contract exceeds \$500,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in the amount of not more than \$1,135,343, with the total amount to be based on actual services utilized through the Contract's February 28, 2027, expiration.

Dated: February 23, 2022

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman

Legal Department