To: Chairman Skinner and the VRE Operations Board
From: Rich Dalton
Date: July 17, 2020
Re: Authorization to Execute a Contract for Federal Government Relations Services

Recommendation:
The VRE Operations Board is asked to authorize the Acting Chief Executive Officer to execute a contract with Cardinal Infrastructure, LLC of Washington, D.C. for federal government relations services in the amount of $480,000, plus a five percent contingency of $24,000, for a total amount not to exceed $504,000, for a base period of three years and two one-year option periods, with the Chief Executive Officer exercising the option years at his discretion.

Summary:
This action authorizes the Acting Chief Executive Officer to execute a contract with Cardinal Infrastructure, LLC for federal government relations services required to assist VRE in its efforts to achieve federal government relations objectives as identified by the VRE Operations Board and incorporated in the annual Legislative Agenda approved by its parent Commissions; and to address federal legislative, regulatory and other issues as they arise.

Background:
VRE has found it more expedient and effective to contract for government relations services at both the state and federal levels than to employ staff to attempt to monitor the myriad of government and legislative activities in Richmond and Washington, D.C. Professional government relations firms are also able to make and maintain the numerous contacts with appointed and elected officials and their staffs needed to effectively keep abreast of, analyze and engage on issues related to VRE, public transportation, and rail.
VRE has chosen to contract separately for government relations services specific to federal executive branch and legislative issues as distinct from state issues. This procurement is for federal government relations services only. The current contract for these services was executed in August 2016 and will expire in August 2020.

On February 21, 2020, the VRE Operations Board authorized the Acting Chief Executive Officer to issue a Request for Proposals (RFP) for federal government relations services. As determined in accordance with VRE public procurement policies and procedures, an Invitation for Bids is neither practicable nor fiscally advantageous to VRE, and an RFP is the preferred method of procurement for this solicitation since there are different approaches to the desired service and an evaluation of technical merit is required.

The scope of work for the RFP includes, but is not limited to, the following:
- Establish and maintain good working relationships with the Virginia Congressional delegation and other members of Congress – especially chairs of relevant committees and subcommittees, their staffs, and committee staffers.
- Establish and maintain good working relationships with the U.S. Department of Transportation, the Federal Transit Administration, the Federal Railroad Administration, the Surface Transportation Board, the National Transportation Safety Board, and other relevant Executive Branch and Independent Federal agencies.
- Monitor, track and inform VRE of rail or transit issues and rulemaking from the Administration, federal agencies and Congress that may directly or indirectly impact VRE, its parent commissions or member jurisdictions, under the direction of the Chief of Staff.
- Provide support, strategy and guidance on securing Capital Investment Grants and other federal discretionary grants.

A mailing list of six prospective offerors was established for the solicitation to ensure access to adequate sources of services. On April 2, 2020, an RFP was issued, and proposals were due on May 4, 2020. Eight responses were received.

Evaluation of the proposals received was performed by the Technical Evaluation Team (TET), which consisted of two VRE staff members and one Northern Virginia Transportation Commission staff member.

The TET met to discuss and evaluate the proposals using the following criteria:
- Capability and expertise of the Offeror
- Understanding of the Scope of Work and approach to satisfying VRE’s goals and requirements
- Retainer fee
- Experience of proposed key personnel
- Staffing and management plan
Upon completion of evaluation of proposals, negotiations were conducted with the highest ranked firms deemed to be fully qualified and best suited among those submitting proposals, based on the factors specified in the evaluation criteria. Price was considered in context of technical performance for this service to achieve a best value determination. After receipt of the best and final offer from the top-ranked firm, a cost analysis was performed to compare the proposed cost with the independent cost estimate to determine the proposed cost is fair and reasonable.

It was determined the proposal from Cardinal Infrastructure, LLC was technically compliant and was selected to be the best value for the work. Cardinal Infrastructure, LLC is a sub-consultant under the current federal legislative services contract.

Below is the final ranking of firms who submitted a proposal for federal government relations services.

<table>
<thead>
<tr>
<th>Offerors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardinal Infrastructure, LLC</td>
</tr>
<tr>
<td>Holland &amp; Knight LLP</td>
</tr>
<tr>
<td>Ann Warner LLC</td>
</tr>
<tr>
<td>Tai Ginsberg &amp; Associates, LLC</td>
</tr>
<tr>
<td>Becker &amp; Poliakoff, P.A.</td>
</tr>
<tr>
<td>Alcalde &amp; Fay, LTD.</td>
</tr>
<tr>
<td>Clark Hill PLC</td>
</tr>
<tr>
<td>Clyburn Consulting, LLC</td>
</tr>
</tbody>
</table>

The Offerors’ proposed pricing was in the range of $7,000 to $15,000 per month. Complete pricing information may not be publicly disclosed until after execution of a contract. VRE staff has certified the highest ranked Offeror’s price is fair and reasonable based on the cost estimate for this project.

The contract will be for a base period of three years and two one-year option periods, with the Chief Executive Officer exercising the option years at his discretion. This authorization allows notice-to-proceed to be given to Cardinal Infrastructure, LLC at the conclusion of the current federal legislative services contract in August.

**Fiscal Impact:**

Funding for these activities is provided for in the FY 2021 budget under *Chief of Staff - Other Professional Services*. Funding for future years will be included in each proposed annual budget.
Virginia Railway Express
Operations Board

Resolution
9B-07-2020

Authorization to Execute a Contract for
Federal Government Relations Services

WHEREAS, VRE has found it more expedient and effective to contract for Government Relations Services at both the State and Federal levels than to employ staff to attempt to monitor the myriad of government and legislative activities in Richmond and Washington, D.C.; and,

WHEREAS, VRE has chosen to contract separately for Government Relations Services specific to Federal issues as distinct from State issues; and,

WHEREAS, the first one-year option period of the current contract for Federal Legislative Services expires in August 2020; and,

WHEREAS, a determination was made by the VRE Contract Administrator in accordance with VRE Public Procurement Policies and Procedures that competitive bidding is not practicable, nor fiscally advantageous to VRE, and that competitive negotiation is the appropriate method to procure these services; and,

WHEREAS, the Operations Board’s approval of this procurement does not represent its independent assessment of the candidate’s responses to the solicitation or of each step in the procurement process followed by staff; rather, the Operations Board’s action is premised upon its conclusion, after review of the information before it, that the process used by the staff was in accordance with law and that the staff recommendation appears to be reasonable;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with amendments adopted on April 22, 2020, to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on July 17, 2020, and that meeting by electronic means is authorized because the items on the July 17, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board’s lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the July 17, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,
BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to execute a contract with Cardinal Infrastructure, LLC of Washington, DC for Federal Government Relations Services in the amount of $480,000, plus a five percent contingency of $24,000, for a total amount not to exceed $504,000, for a base period of three years and two one-year option periods, with the Chief Executive Officer exercising the option years at his discretion.

Approved this 17th day of July 2020

______________________________
Gary Skinner
Chairman

______________________________
Jeanine Lawson
Secretary