



Board Agenda Item 28

DATE: October 24, 2023
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, County Administrative Officer
SUBJECT: Agreement for State Legislative Advocacy Services

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34) determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an agreement with Shaw Yoder Antwih Schmelzer & Lange, Inc. for the provision of State legislative advocacy services; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Shaw Yoder Antwih Schmelzer & Lange, Inc. to provide State legislative advocacy services in Sacramento, effective January 1, 2024, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$510,348.**

Approval of the recommended actions will provide for State legislative advocacy services for the County of Fresno with Shaw Yoder Antwih Schmelzer & Lange, Inc. at an annual cost of \$99,053 for Year 1 including expenses. For Year 2 of the agreement for State legislative advocacy services, the annual compensation amount would increase to \$100,539. For year 3 of the agreement for State legislative advocacy services, the annual compensation amount would increase to \$102,047. For Year 4 of the agreement for State legislative advocacy services, the annual compensation amount would increase to \$103,578. For Year 5 of the agreement for State legislative advocacy services, the annual compensation amount would increase to \$105,131. The current agreement for State Legislative advocacy services is set to expire on December 31, 2023. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the County would forego State legislative advocacy services with this firm moving forward.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The request to determine that an exception to the competitive bidding process consistent with Administrative Policy No. 34 is warranted due to the unusual or extraordinary circumstances results from the Department's belief that continuity of State legislative advocacy services with the current vendor would be in the best interest of the County. Due to the limited staff time available to work on State legislative issues, it is crucial that the individuals advocating on the County's behalf be current and familiar with County issues. The Internal Services Department - Purchasing concurs with the Department's request to determine this exception to the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The recommended agreement has an annual compensation amount of \$99,053 for Year 1 including expenses. For Years 2 through 5 of the recommended agreement, the annual compensation amount would increase by 1½ percent each year, including expenses, as listed below:

- Year 2 \$100,539
- Year 3 \$102,047
- Year 4 \$103,578
- Year 5 \$105,131

Funding for State legislative advocacy services is included in the FY 2023-24 Adopted Budget, Interest and Miscellaneous Expenditures Org 2540, and will be included in future requested budgets.

DISCUSSION:

On September 25, 2018, the Board approved Agreement No. 18-567 with Shaw/Yoder/Antwih, Inc. and Michael Y. Corbett and Associates, for State Legislative Advocacy Services, effective January 1, 2018 to December 31, 2023 which included a three-year base contract and two optional one-year extensions. This agreement was subsequently amended on September 24, 2019 to remove the Professional Liability insurance requirement from Agreement No. 18-567 with no change to the compensation amount or term.

Shaw Yoder Antwih Schmelzer & Lange, Inc. have served as the lobbyists representing Fresno County in Sacramento for 25 years. They represent the County on numerous issues, including ongoing issues for which continuity of service would be in the best interest of the County while coordinating and participating in discussions with the State on issues impacting Fresno County.

Paul Yoder has served as the day-to-day contacts for 25 years, and as such, is very familiar with Fresno County and the various issues of importance to the County. In addition, Paul Yoder has demonstrated the ability to effectively work with the Fresno County Legislative Delegation. Due to the limited staff time available to work on State legislative issues, it is crucial that the individuals advocating on the County's behalf be current and familiar with County issues, as well as the County's Legislative Platform. This firm may also subcontract with other firms that represent San Joaquin Valley counties to speak with a united voice on issues critical to the San Joaquin Valley, in addition to County-specific issues and requests.

Approval of the recommended actions will allow the Administrative Office to continue its relationship with Shaw Yoder Antwih Schmelzer & Lange, Inc. on behalf of the County in providing State legislative advocacy services with no lapse in services.

It should be noted that the Professional Liability insurance requirement has not been included in this agreement, as the vendor does not employ licensed staff (e.g., attorneys, engineers, etc.) in providing services to the County. Risk Management has been apprised of the omission of the Professional Liability insurance requirements and has no concerns with the change.

REFERENCE MATERIAL:

- BAI #27, September 24, 2019
- BAI #30, September 25, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition

On file with Clerk - State Legislative Advocacy Services Agreement

CAO ANALYST:

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