

Response to Provide
Federal Government Relations Services for the

City of Key West

March 21, 2012

RFP #004-12

Holland & Knight

www.hklaw.com

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Presentation to Provide
Federal Government Relations Services to the

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March 21, 2012

RFP #004-12

Holland & Knight LLP
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Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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David Whitestone

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March 21, 2012

Ms. Cheri Smith

City Clerk, City of Key West

3126 Flagler

Key West, FL 33040

Re: Response to RFP #004-12 Federal Government Relations Services

Dear Ms. Smith:

Holland & Knight is pleased to submit our proposal to provide federal relations services to promote Key West's policy objectives before Congress, the administration and the regulatory agencies in Washington, D.C.

As you may recall, Holland & Knight represented the city in the nation's capital from 2001 to 2006. Since that time, we have continued our commitment to municipalities and have continued to add to our federal government affairs capabilities. It would be an honor to once again work on behalf of the people of Key West.

Holland & Knight can provide the city with proven expertise and experience in legislative representation and advocacy in the nation's capital as the attached materials demonstrate. Over the years, we have offered a bipartisan, comprehensive and successful approach to federal relations for cities such as West Palm Beach, Norfolk, Tampa and others – and would like to do so for Key West.

One of the namesakes of our firm, former Florida Gov. and U.S. Sen. Spessard Holland, developed a commitment to government – a commitment we hold dear to this day. In fact, our approach toward federal advocacy has been recognized as one of the most effective in the nation. Recently, the readers of *The National Law Journal's Legal Times* selecting our firm as the best in "Law Firm Government Affairs/Lobbying" category by ranking us No. 1. *The National Law Journal* itself ranked us among the top five most successful lobbying firms in the nation.

This letter constitutes a representation by Holland & Knight that the firm is willing and able to perform the commitments contained in RFP #004-12. This proposal is valid for 120 days from the date of submittal. I would serve as the team's project manager and the city's day-to-day point of contact. If you have any questions, please feel free to contact me. We would consider it a privilege to represent and assist the city of Key West – and the citizens of the "Conch Republic" – before the federal government.

Very truly yours,

Holland & Knight



David Whitestone, Partner

SECTION 1: INTRODUCTION

Proposer's Name and Address of Central and Satellite Offices

Holland & Knight LLP currently has 17 U.S. offices, including Miami and Washington, D.C. Their addresses are:

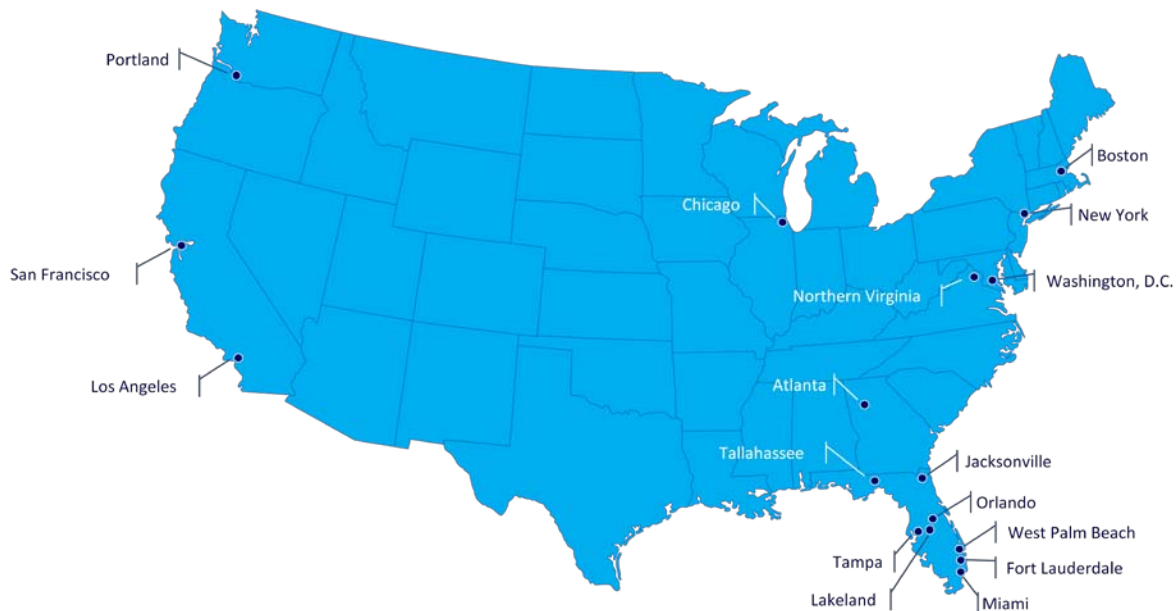
Washington, D.C.

2099 Pennsylvania Avenue NW, Suite 100
Washington, D.C. 20006
T: 202.955.3000
F: 202.955.5564

Miami

701 Brickell Avenue, Suite 3000
Miami, FL 33131
T: 305.374.8500
F: 305.789.7799

The locations of our other offices shown below and their addresses are listed at the end of this proposal.



Because Holland & Knight has a national and global presence, no single office is considered the “central office.” One of our namesakes, Spessard L. Holland, a former Florida governor and U.S. senator, founded his firm in the early 1900s. Peter O. Knight established his firm in 1889, when he moved from Fort Myers, to establish his law practice in Tampa. The two firms merged in 1968.

Today, the latest technology – email, instant messaging (IM), voice mail, telephone and video conferencing – links practice groups and lawyers throughout the firm, allowing us to serve anywhere at any time for clients – including Key West.

Project Manager: Telephone and Fax Number

Your proposed project manager is **David Whitestone**. He is a Holland & Knight partner, chair of the firmwide Transportation Industry practice and member of the firm's governing Directors Committee. He has been recognized by *Chambers USA* for his successful practice. Mr. Whitestone has previously represented the city of Key West in Washington, D.C., and was rated as one of the top professionals in municipal representation by *The Hill*, an influential congressional newspaper.



His telephone number is 202.457.7080. His fax number is 202.955.5564.

Current Client List

Below is a list of Holland & Knight's local government clients as of March 20:

- Alameda, CA
- Austin, TX
- Bibb County, GA
- Charlotte, NC
- Cobb County, GA
- Des Moines, IA
- Fremont, CA
- Los Angeles County, CA
- Milwaukee, WI
- Norfolk, VA
- Paulding County, GA
- Philadelphia, PA
- Placer County, CA
- Polk County, FL
- Prince George's County, MD
- Richmond, VA
- Rockville, MD
- Sacramento County, CA
- San Francisco, CA (City and County)
- Tampa, FL
- West Palm Beach, FL
- West Sacramento, CA

SECTION 2: FIRM EXPERIENCE AND REFERENCES

Reference No. 1: City of West Palm Beach, Fla.

Since fiscal year 1997, Holland & Knight has provided federal government affairs services for West Palm Beach, Fla. A representative sample of funding successes, as well as reference information, is provided for you below:

- Major road improvements
- A potable water project
- A water reuse infrastructure project
- Refurbishing and expanding a community and recreation center
- A drinking water project
- Bus and bus facilities
- Police department law enforcement technologies
- An at-risk youth program
- Helping expedite FEMA grant for Hurricane Category 5 fire station and EOC

Contact Information

Mr. Ed Mitchell
City Administrator
(561) 659-8024

Reference No. 2: Norfolk, Va.

Since fiscal year 2004, Holland & Knight has provided federal government affairs services for the City of Norfolk, Va. A representative sample of achievements, as well as reference information, is provided for you below:

- Police hiring through the Community Oriented Policing Services (COPS) program
- Police technology
- An Army Corps of Engineers project
- Choice Neighborhoods planning
- A major highway project
- Water/wastewater infrastructure improvements

Contact Information

Mr. Brian Pennington
Director, Office of Intergovernmental Relations
(757) 664-4467

SECTION 3: PERSONNEL QUALIFICATIONS AND AVAILABILITY

Project Manager



David Whitestone

Partner

Washington

t: 202.457.7080

e: david.whitestone@hklaw.com

Practices

Transportation
Federal Budget & Appropriations
Aviation
Federal Practice
Government Representation
Transit Industry and Transit-Oriented Development
Public Policy & Regulation

Education

George Mason University School of Law, J.D.

George Mason University, B.A., Government and Politics

Bar Admissions

Virginia
District of Columbia

David Whitestone represents municipal entities, nonprofits, and corporations before the legislative and executive branches of the federal government. Since entering private practice, he has successfully counseled organizations interested in partnering with federal agencies in the Department of Transportation (Federal Aviation Administration, Federal Transit Administration and Federal Highway Administration), Department of Homeland Security (Transportation Security Administration and Customs and Border Protection), Department of Defense, Department of Commerce, the National Transportation Safety Board and others.

Mr. Whitestone chairs the firmwide Transportation Industry practice, which has been recognized by *Chambers USA* as one of the best performing transportation practices in the nation. This firmwide initiative coordinates the legal, regulatory and public policy efforts of the firm's many aviation, rail, trucking, transit, intermodal, maritime and asset-based finance clients. Prior to joining private practice, Mr. Whitestone worked in the U.S. House of Representatives and was an associate staff member on the House Appropriations Committee. By leveraging his knowledge of the congressional process, he has built a reputation as an effective advocate in the development and implementation of congressional and budgetary strategies, legislative drafting, appropriations and multiyear authorization matters.

Professional Honors & Awards

- Top Washington Lawyer, *Washington Business Journal*
- Top Advocate, *The Hill*, Municipal Representation
- *Chambers USA* – America's Leading Business Lawyers guide, Government: Government Relations, 2011

Percentage of Time Dedicated to Key West: 25

Client Service Team



Kerry F. Feehery

Senior Policy Advisor

Washington

t: 202.469.5145

e: kerry.feehery@hkclaw.com

Kerry Feehery has over 15 years experience in government and public relations in both the public and private sectors.

Prior to joining Holland & Knight, Ms. Feehery served as chief of staff to Sen. George LeMieux, R-Fla., where she was responsible for developing and implementing his legislative and political priorities. Previously, Ms. Feehery served as director of the state of Florida's Federal Relations Office, communications director to Sen. Mel Martinez, R-Fla., and policy analyst at the Senate Budget Committee. Ms. Feehery began her Senate career with Sen. Connie Mack, serving in several communications capacities.

At Holland & Knight, Ms. Feehery focuses on helping clients develop and implement successful federal policy agendas, specifically as they relate to advancement in the U.S. Senate.

Percentage of Time Dedicated to Key West: 10

Practices

Public Policy &
Regulation

Education

Villanova
University, B.A.,
English



Lauri A. Hettinger

Senior Policy Advisor

Washington

t: 202.469.5134

e: lauri.hettinger@hkclaw.com

Lauri Hettinger advocates for local government municipalities' and industry's infrastructure needs, including surface transportation, water resources, economic development and Army Corps of Engineers. Prior to joining Holland & Knight, Ms. Hettinger served as staff director for the Senate Environment and Public Works Committee's Subcommittee on Transportation and Infrastructure Ranking Member George Voinovich, R-Ohio. In this role, she served as his primary advisor on transportation, water infrastructure, Army Corps of Engineers and economic development. Ms. Hettinger also served as a legislative assistant to Sen. Norm Coleman, R-Minn., handling his infrastructure, and appropriations issues.

Percentage of Time Dedicated to Key West: 20

Practices

Public Policy &
Regulation

Education

Presbyterian
College, B.S., *summa
cum laude*
Psychology,
Political Science



Jim Davis

Partner

Tampa

t: 813.227.6383

e: jim.davis@hkclaw.com

Practices

Public Policy &
Regulation

Public Finance

Florida Government
Advocacy

Congressional
Investigations

Federal Practice

Healthcare Reform
Center

Financial Services

Education

University of Florida
Levin College of Law,
J.D.

Washington and Lee
University, B.A., *with
honors*

Bar Admissions

Florida

Jim Davis draws upon his extensive experience in the public sector to provide strategic legal, legislative and regulatory counsel to clients in Florida, the District of Columbia and across the country.

Mr. Davis served in the U.S. House of Representatives from 1997 to 2007. He represented the City of Tampa and portions of St. Petersburg, Bradenton and Hillsborough County. In 2006, Mr. Davis was the Democratic nominee for governor of Florida.

While in Congress, Mr. Davis served on the Energy and Commerce Committee where he was focused on energy, telecommunications and electronic commerce, healthcare, the environment and consumer protection issues.

In addition, Mr. Davis served on the Committee on International Relations and the Budget Committee, and was elected by his peers to be the president of the Democratic Freshman Class in 1997. Mr. Davis was also a leader of the U.S. House New Democratic Coalition, a group of centrist Democrats, and served as their national co-chair.

Before entering Congress, Mr. Davis was a state representative in the Florida House of Representatives from 1988 to 1996, serving as the majority leader in 1995 and 1996.

Mr. Davis maintains offices in Tampa and Washington, D.C.

Percentage of Time Dedicated to Key West: 10



Shawna Francis Watley

Senior Policy Advisor

Washington

t: 202.828.5083

e: shawna.watley@hklaw.com

Practices

Public Policy & Regulation

Federal Budget & Appropriations

Federal Practice

Religious Institutions

Transportation

Transit Industry and Transit-Oriented Development

Education

The Johns Hopkins University, M.A., Public Policy

Howard University, B.S.

Shawna Francis Watley has over 14 years of public policy and political experience. She was the founder and president of the Francis Group LLC, which specialized in government relations consulting and advocacy. Her practice worked extensively on transportation issues.

Prior to joining Holland & Knight, Ms. Watley held the position of director of Congressional Affairs for the Democratic Leadership Council. In this role, she was responsible for the development of strategy, programming and implementation for the Congressional Affairs Department.

During her tenure she designed the “Meet the Freshmen” series, the weekly congressional newsletter, the organization’s Congressional Agenda for the 21st Century, and the Global Economy Project. As the primary point of contact with members of Congress, she has extensive relationships with moderate Democratic senators and representatives as well as senior staff. A former legislative assistant to Sen. J. Robert Kerrey, D-Neb., she has a keen understanding of the workings of Congress.

Ms. Watley also served as managing director of the U.S. Conference of Mayor’s Partner America Program, formally chaired by Mayors Kay Barnes and Dan Malloy. This program successfully aimed to promote small business-friendly policies in various cities across America. While at the Conference of Mayors, Ms. Watley gained knowledge of state and local issues, as well as working with state and local elected officials. Her transportation experience began in her role as the manager of federal relations for the Dallas Area Rapid Transit Authority (DART). In this position, she steered that public agency’s lobbying team in securing federal grants and other funding for the city’s light rail system. She led their efforts in reauthorization and other federal legislative matters.

Due to her background, Ms. Watley has cultivated strong relationship on the federal, state and local levels. She has solidified relationships in the Senate and House leadership, moderated Democrats and the Congressional Black Caucus. She has worked with both Appropriations Committees, the Senate Banking Committee, the Senate Finance Committee, and the House Transportation and Infrastructure Committee.

Percentage of Time Dedicated to Key West: 25



Jason Klitenic

Partner

Washington

t: 202.469.5120

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Practices

Government Contracts

False Claims Act
Defense

Foreign Corrupt
Practices Act

Government
Investigations and
Compliance Services

Litigation

Transportation

Immigration,
Nationality and
Consular Law

Homeland Security

Aviation Policy

Education

University of
Baltimore School of
Law, J.D.

Johns Hopkins
University, B.A.

Bar Admissions

Georgia

District of Columbia

Jason Klitenic represents clients in an array of government regulatory, enforcement and public policy matters, including corporate compliance initiatives and investigations. Mr. Klitenic is a former senior official of both the U.S. Department of Homeland Security and U.S. Department of Justice. He currently serves as vice chair of the American Bar Association’s Committee on Homeland Security and National Defense.

Mr. Klitenic regularly represents clients before the Justice Department and DHS, as well as DHS’ 22 component agencies. These include TSA, U.S. Customs and Border Protection, FEMA, U.S. Immigration and Customs Enforcement, Office of Infrastructure Protection, U.S. Secret Service, Science and Technology Directorate, Office of Cybersecurity and Communications, and the Coast Guard.

Mr. Klitenic leads Holland & Knight’s Homeland Security Team and has represented clients in a wide variety of homeland security enforcement, regulatory and public policy matters, including immigration enforcement proceedings, chemical security initiatives, export control investigations, government contract disputes, cybersecurity projects and DHS procurement efforts.

In 2005, Mr. Klitenic was appointed DHS Acting General Counsel and served as the chief legal officer of the 180,000-employee agency. Before that, he served as DHS’ deputy general counsel, the agency’s second-ranking legal officer.

In this role, he was responsible for advising the secretary of homeland security and other senior leadership on legal issues arising throughout DHS, including those relating to immigration, customs enforcement, data privacy, environmental compliance, international agreements, CFIUS reviews, complex civil litigation, the SAFETY Act, transportation and cargo security, labor and employment, public health, incident management, procurement, grants, infrastructure protection, intelligence sharing and investigations. He was also responsible for overseeing the operations of the 1,500-lawyer Office of the General Counsel.

Percentage of Time Dedicated to Key West: 10

SECTION 4: IMPLEMENTATION OF SCOPE OF SERVICES

1. Work closely with the City to obtain all necessary project information.

Holland & Knight recognize the great need in Key West for additional funding resources in the areas of wastewater/stormwater infrastructure, transportation, law enforcement, homeland security, housing, and mental health. To help you secure this funding, we anticipate working with the mayor, city commission, city manager's office, department heads and professionals to identify opportunities for federal partnerships in the city.

We would like to do this because our approach to federal advocacy is to act as an extension of the city. You will play a hands-on role in crafting your policies and positions on legislative, regulatory and operational issues impacting your city. We will partner with you to keep your voice on critical legislative issues front and center before federal policymakers. As your advocates, we will help you shape public policy decisions through careful, strategic positioning.

2. Secure federal funding for the City including proactive identification of specific funding opportunities.

We represent clients similar to Key West before most significant federal agencies and departments. Through our collective federal legal experience and bipartisan political involvement, the firm's Federal Practice Team has developed strong professional relationships with the majority and minority leadership of the House of Representatives and the Senate. We regularly work with a substantial number of members of Congress and their staffs, and with the members and staff of every major congressional committee.

Over the past several years, we have successfully represented municipal clients in their efforts to enter into funding partnerships with the following departments and agencies:

- U.S. Army Corps of Engineers
- Environmental Protection Agency
- Federal Highway Administration
- Federal Transit Administration
- Federal Emergency Management Agency
- Housing and Urban Development
- Department of Defense (including the Navy)
- Department of Justice (including the COPS Office)

3. Monitor federal legislation and programs of federal agencies to identify new funding sources.

As recognized by several of the leading federal governmental advocacy publications, Holland & Knight's Public Policy & Regulation Group has developed a reputation as one of the most successful government affairs practices in Washington, D.C. We have three decades of highly effective advocacy experience to agencies at all levels of government. While the regulatory world of agencies does not follow a yearly pattern like congressional appropriations, current events can propel issues important to Key West to the forefront of Congress' agenda through authorizing legislation and regulatory action.

These opportunities, however, are not always common – and they rarely happen by chance. Our advocacy has been instrumental in guiding clients through the complicated authorization process and regulatory hurdles. Below are some examples of our successes relevant to Key West’s interests:

Wastewater/Stormwater: We understand the myriad issues regarding water supply and wastewater treatment, including legislation, regulatory matters, system operations/development, real estate, finance and litigation. Our experience includes, among other areas, legislation and rulemaking, permitting, stormwater management, and compliance and enforcement. In addition, we counsel our clients on acquisitions and contracts including drafting/negotiating, financing, and ratemaking.

Our experience in this area would be an asset to the city of Key West as you continue to make necessary investments to manage wastewater output and stormwater discharge. These are serious issues for the city and we bring the experience and successful track record to assist the city in your efforts to develop this infrastructure.

Ongoing projects to rehabilitate the sewer system and related infrastructure are not only an important utilities and public health matter, but an environmental one that has been validated in federal law for the Keys. Similarly, runoff from stormwater has been a matter that we would anticipate the city will continue to invest heavily in through studies such as the Stormwater Master Plan and capital development such as additional gravity wells. Additionally, some of these activities may require coordination with other governmental entities in the Florida Keys.

We have extensive experience with the Army Corps of Engineers and the Environmental Protection Agency. Through each Water Resources Development Act (WRDA) reauthorization bill, Holland & Knight has steered our clients through this important process with great success. Our team understands the inner workings of the Corps and has played a key role in working with Congress, the Army Corps and local jurisdictions to initiate planning studies and commence corresponding construction and remediation projects. Our client successes in WRDA reauthorizations include:

- Securing a \$10 million authorization in additional funding for Phillippi Creek Septic System Replacement Program in Sarasota County to replace septic systems and connect approximately 25,000 low- to moderate-income homes and businesses – who could not alone afford the costs to hook into a new, modern sanitary sewer system – to central sewer in the Phillippi Creek basin and Sarasota Bay area.
- Securing \$2.7 million for the Des Moines and Raccoon Rivers Project in Iowa, and over \$4 million for the Des Moines Recreational River and Greenbelt Project to assist the City of Des Moines achieve its flood control plan in the greater Des Moines metropolitan area.
- Obtaining a \$20 million authorization to fund the construction of conveyance systems to connect both existing and planned water and wastewater infrastructure and facilities for the Metropolitan North Georgia Water Planning District.

In the immediate term, we note that Section 219 funding in the amount of \$29.6 million was provided in the FY2012 appropriations bill to further projects such as the Keys-wide water project. The city and its funding partners have generated good relationships with the project manager and the district office and we believe that we could facilitate additional cooperative relationships with the headquarters offices as well as the Appropriations Committee that provided these funds, and will be called upon to do so again in the future.

Transportation and Ports: Transportation has been a major focus of Holland & Knight's government relations practice in Washington, D.C., for more than 30 years. In addition to assisting our municipal clients with their transportation needs, we also have represented a variety of transit clients including:

- Hillsborough Area Regional Transit Authority (Florida)
- Interurban Transit Partnership (Grand Rapids, Mich.)
- Los Angeles County Metropolitan Transportation Authority (California)
- Metropolitan Atlanta Rapid Transit Authority (Georgia)

For our municipal clients, we have worked with the agencies within the U.S. Department of Transportation to secure funding for initiatives such as:

- Bus and bus facilities capital funding
- Job access funding
- Road and highway infrastructure funding

During our representation of the city previously, we were able to help position the city to successfully partner with the federal government on transit priorities such as bus capital and operating assistance for inter-Keys bus service as well as improvements to Flagler Avenue, Atlantic Boulevard and College Road.

Additionally, we were pleased to work with the Congress to identify funding for ferry terminal facilities in the city. We note that the requirements in Key West relative to the ports not only includes transportation needs but environmental monitoring and remediation as well as the implementation of security requirements from the Florida Department of Law Enforcement and the U.S. Department of Homeland Security. We recognize that initiatives may be undertaken at the Outer Mole as well as the Key West Bight.

To facilitate these partnerships, we have an experienced team of individuals that are very knowledgeable about surface transportation authorization. Lauri Hettinger, a proposed client service team member, came to Holland & Knight from the office of Sen. George Voinovich, who was a ranking member of the Senate Environment and Public Works Committee's Subcommittee on Transportation and Infrastructure. She represented the senator in the negotiations of the SAFETEA-LU conference report and helped draft the current Senate reauthorization bill, MAP-21. Additionally, David Whitestone, your proposed project manager, worked in the House of Representatives as associate staff on the House Appropriations Committee for the chairman of the Transportation subcommittee which has the annual responsibility for the nation's transportation spending and oversight.

Housing: Despite the climate against spending on Capitol Hill, Holland & Knight has provided clients with federal funding sources that meet their needs through agencies including the Department of Housing and Urban Development. We recognize the significance of housing in Key West and Monroe County and recall significant efforts in this area such as the transition of the Poinciana housing facilities and institution of transient rental ordinances. With a limited supply of housing on the island and few opportunities for development, housing continues to be a significant issue for the city.

On behalf of municipalities, we have worked in the area of housing availability. One example is the Mission Creek Senior Community of San Francisco. The firm worked with the Department of Housing and Urban Development (HUD) to secure development of 140 units of housing for the elderly at that facility.

In addition, Holland & Knight worked with the U.S. Conference of Mayors, urban area representatives, national and local homeless advocates to lead the effort to increase federal funding for homeless assistance. The scope of our work included existing homeless assistance grants within HUD; funding for the HUD-Veterans Affairs Supportive Housing voucher program, which was established in 1992 but did not receive significant resources until \$75 million was included in the 2008 Consolidated Appropriations Act; and the creation of new program funding within the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) account to help pay for services in supportive housing.

Health Care: Our team knows the Affordable Care Act and the course it sets for reform. In studying the new law, we have paid close attention to its provisions that seek to build the health care workforce, strengthen public health and prevention efforts and expand primary care outreach.

The Affordable Care Act created a new Prevention and Public Health Trust Fund under the jurisdiction of HHS. It appropriated \$7 billion to the fund for fiscal years 2010 through 2015 and \$2 billion per year for subsequent fiscal years.

This funding will be used to support public health infrastructure, expanded public health workforce capabilities, and initiatives aimed at prevention, wellness, primary care and the management of chronic illnesses. The act authorized activities where trust fund monies may be used to include programs for diabetes prevention; training of nurse practitioners, community health workers, nurse education; and nursing retention programs as well as more advanced education programs.

There is an obvious connection between the city's growing health care needs and the aims of the trust fund monies. We propose to work with the city to develop a process to identify the program areas where trust fund monies could be directed and to cultivate working relationships with the HRSA, the Office of the Secretary of Health and Human Services Department (HHS), and other decision makers at HHS and on Capitol Hill in advance of next fiscal year's allocations.

We recognize that issues of homelessness, health care and mental health are important considerations for the city as noted in the Key West Homeless Service Providers Survey Report. As health care is one of our core competencies, we would welcome the opportunity to better understand the city's needs and identify the best federal resources to assist in that effort.

Public Safety: Holland & Knight has found success in funding local law enforcement initiatives over the years through the Community Oriented Policing Services (COPS) program, which is run by the U.S. Justice Department. One recent example: \$5.8 million in grant funding for Polk County. Other COPS funding examples include:

- \$1.7 million for West Palm Beach
- \$363,000 for Sarasota County
- \$11.3 million for the Sacramento County (Calif.) Sheriff's Department – the largest award in the nation under this program. It will restore 25 deputy positions, which will be used specifically to combat youth and gang violence issues in the county.

Key West and its police department have been successful partners with the COPS office and the Department of Justice. Funding for both the addition of officers as well as law enforcement technology capital needs are continued needs for the city which we would augment. As noted above, several of our colleagues have had success working with the Department of Justice to secure funding for our municipal clients' law enforcement needs.

Homeland Security: Over the years, Holland & Knight has assisted our clients with their interests before the Department of Homeland Security. Jason Klitenic, a Holland & Knight partner whose biographical information is included herein, was formerly the deputy general counsel at the Department of Homeland Security and is familiar with its operations and grant programs.

Recently, we have assisted clients with grants from the Federal Emergency Management Agency (FEMA) and facilitated discussions relating to the Urban Area Security Initiative (UASI) grant program. We recognize that both of these programs are of interest to the city of Key West and that the city commission has approved grants in this area as well as grants for the city's Community Emergency Response Team (CERT) and Citizen Corps.

We have also worked with municipal and private sector clients alike in their efforts to partner with the Transportation Security Administration (TSA) and Customs and Border Protection (CBP) in an effort to bring additional resources to support their needs. Since 9/11, issues associated with cruise ship safety and security have been more prevalent and we are prepared to assist the city in ensuring that appropriate resources are made available for this unique and sensitive environment.

Similarly, we believe that we can facilitate the city's interest in discussions with FEMA and the Fish and Wildlife Service on the issue of the mapping issues that generated a significant number of properties with endangered species impacts. It's informative to note that several of our colleagues have authored the second edition of the "Endangered Species Deskbook," and have significant experience working with Paul Souza while he was in the Vero Beach office.

One additional potential resource that we would gladly assist the city with is the involvement of the Coast Guard in the area. Now as a part of DHS, the Coast Guard has a significant role in the community. Through the District 7 office in Miami and local stations, the Coast Guard plays a role in drug interdiction, migrant efforts, boating safety, fishing regulations as well as ensuring safe navigation. We recognize that all of these efforts are significant in Key West and note that the city has recently considered modifications to the Key West Harbor Deep Water Channel.

4. Prioritize funding opportunities according to their potential as funding sources.

One of the more significant evolutions in municipal funding from the federal government has been the transition from earmarks to grant solicitations. Holland & Knight has been on the forefront of these changes and our proactive and successful preparation of clients to compete for competitive grant solicitations has resulted in accolades.

Unlike the appropriations process, which developed formalized timeframes, grant solicitations and their notices have tended to be more sporadic. Certainly the federal government continues to move forward with many grant opportunities but unlike the appropriations process, these myriad grant opportunities to do not all come at one time.

A key to success is proactive interfacing with the grant agencies to understand the timing and key evaluation metrics used in the evaluation process. To assist our clients in this area, we have

developed a sophisticated webinar system where we can provide up-to-date information on the status of grant programs.

Over the course of the past year, we have held webinars on the following topics:

Date	Subject
March 16, 2012	Capitalizing on New Changes to Departments of Justice and Homeland Security Grants
Feb. 15, 2012	Major Changes in New Starts/Small Starts Project Approvals
Dec. 9, 2011	The Center for Medicare and Medicaid Innovation at One Year
Dec. 8, 2011	Georgia Political Law Update
June 30, 2011	Navigating the New Environment: Healthcare
June 24, 2011	Navigating the New Environment: Education
June 17, 2011	Navigating the New Environment: Surface Transportation
May 13, 2011	Navigating the New Environment: Justice & Homeland Security
April 28, 2011	Navigating the New Environment: EDA & HUD
April 14, 2011	Federal Funding Roadmap in the Post-Earmark Environment
March 24, 2011	Federal Funding Roadmap Tutorial
March 7, 2011	Navigating the New Environment: Federal Funds Roadmap

Additionally, we have a webinar scheduled for March 28, 2012, on the Choice Neighborhoods Initiative – a program that could facilitate the city’s efforts at Poinciana, the Truman Annex and other parts of Key West.

More webinars will be added as the grant opportunities arise.

5. Develop time lines giving dates when certain activities should begin, or when materials should be compiled, to meet Federal guidelines and deadlines.

As noted previously, the grants cycle is not consistent from year to year. Some grant opportunities are rolling and thus open throughout the year. Others have a much shorter "open season," which requires that the city and its representative react quickly, professionally and smartly to maximize the opportunities presented. Because of Holland & Knight’s success guiding clients through the process, and our understanding of the city’s needs, we believe that we are positioned better than any other firm to assist Key West and its citizens.

We are fully prepared to develop the necessary time lines for the development and timely submission of responsive grant applications. We regularly undertake such efforts for our clients and have managed this process successfully.

6. Act as a representative of the City and its projects.

For many years, Holland & Knight has been a trusted advisor in Washington, D.C., to municipalities in Florida. In addition to our previous representation of Key West, we also represent the cities of West Palm Beach and Tampa. In addition, we are the Washington representative for Polk and Sarasota counties. We have listed some of those clients as reference as requested in the RFP, but would welcome you to reach out to any of them for additional thoughts on our capabilities.

Through our work on behalf of these clients, we have developed relationships with the agencies that can result in timely and important guidance on grant announcements and with the congressional delegation which can result in much needed support.

You will note that we have listed a number of our colleagues as a part of our client service team. However, you should know that the entire government affairs practice is available to you and we commit to assign the best qualified person to each task at hand. So, while all of our colleagues are a part of our team, we wanted to be sure that you noted a couple in particular:

- **The Honorable Jim Davis:** As you will note from his biographical materials, Mr. Davis was a Democratic member of Congress and state Legislature from the Tampa area. He also was also the Democratic nominee for governor. He served with some of the members of the South Florida delegation is well regarded on both sides of the political aisle.
- **Kerry Feehery:** In addition working for several Republican federal elected officials from Florida, Ms. Feehery was most recently chief of staff for Sen. George LeMieux and also ran the state of Florida's office in Washington, D.C.
- **David Whitestone:** You will note from the materials that Mr. Whitestone previously served as the point of contact for Holland & Knight's federal legislative efforts and has committed to make as much time as necessary to ensure that the city representation is effective, respected and successful.

These three individuals establish that our team is represents both Democrat and Republican, House and Senate, and steeped in Florida's approach to governing. They, along with the rest of the team, would be excellent ambassadors for the Conch Republic in Washington, D.C.

7. Coordinate with the County and State Congressional Delegation in gaining support for federal funding for the City; assist in drafting appropriate correspondence, schedule briefings and meetings.

Once the city determines that a grant or legislative opportunity is a priority, we can facilitate every step of the process necessary to carry out a successful capture strategy. Because of our familiarity with the congressional offices, we believe that there is no learning curve in our advocacy and can quickly react to opportunities as they arise.

Additionally, because we have a team that is well versed in the mechanics of the legislative branch of government, we have been able to support our municipal clients in their needs relative to drafting correspondence and legislation.

As noted above, we maintain excellent relationships with the two U.S. Senate offices in Washington, D.C., as well as the office of Rep. Ileana Ros-Lehtinen. Several of our colleagues are either former elected officials from Florida or served as staff members in Florida's federal elected officials offices.

Because of our deep roots in South Florida, we feel confident that we can effectively represent the city should your member of the House of Representatives change due to redistricting. The activities that we have built a solid reputation on and are committed to are identified below:

Strategy Development	Organization and Coordination
<ul style="list-style-type: none"> ✓ Identifying strategic issues ✓ Monitoring political landscape ✓ Strategy development ✓ Assessing strategic opportunities ✓ Communication 	<ul style="list-style-type: none"> ✓ Inventory needs and capabilities ✓ Alignment of available resources ✓ Process design and management ✓ Issue management ✓ Organizing and coordinating resources
Advocating Positions	Implementation
<ul style="list-style-type: none"> ✓ Issue research ✓ Develop strategic argument ✓ Pinpoint strengths/weaknesses ✓ Translate into testimony/speeches ✓ Formulate strategy for response 	<ul style="list-style-type: none"> ✓ Implementation strategy ✓ Prepare support materials ✓ Information management ✓ Conduct presentations/workshops ✓ Staff contacts and follow-up ✓ Prepare technical corrections

8. Identify and meet with key federal agencies, officers of the federal government and members of Congress related to specific funding sources; propose and implement lobbying and advocacy strategies for gaining their support for City projects.

Your proposed client service team has strong relations with both the Democratic and Republican members of the Florida congressional delegation as noted previously. We commit to involving everyone as needed – we have no caps on the involvement of our professionals.

When it comes to Congress, there are firms with solid relationships on Capitol Hill. However, we believe that the relationships we have built with the congressional representatives from Florida and the key committees sets us apart from others.

Additionally, we have excellent relationships with key officials at the federal agencies that develop the national policies in those areas of interest to the city of Key West such as: the Army Corps of Engineers, EPA, DOT, DHS, HUD and HHS. We note however, that the most successful municipal programs include your local elected officials such as the mayor, city commission, city manager's office as well as the department heads.

We have worked with Congress to and officials within the executive branch relative to specific funding sources and implemented successful strategies to secure funds. A few examples of our successes that the city of Key West can relate to include:

- **City of West Palm Beach:** After being hit by hurricanes, we worked with Congress and FEMA to ensure rapid and effective delivery of emergency response services to the city. This enabled the city to provide citizens with the critical assistance needed to regain livable conditions.
- **City of Alameda, Calif.:** Served as the federal liaison between the city, Congress, and the U.S. Department of Housing and Urban Development (HUD) to prevent cuts from the Section 8 program. This action prevented 108 families from losing their existing assistance which would have put these families at risk of becoming homeless.
- **Forest City Land Group:** During the remapping of flood maps in the southwest, our team was successful in compelling the Federal Emergency Management Agency (FEMA) to provide flexibility on their designation of levee-like structures. This result was achieved through close coordination between congressional and local stakeholders and the introduction of legislation amending the Flood Map Modernization Program.

9. Establish and maintain liaisons with key federal agencies and officers, and elected officials to gain support for City projects.

For all of our skill working with Congress, Holland & Knight knows that Capitol Hill and the executive branch do not operate in a vacuum – both branches can and do influence the other.

Over the years, our professionals have developed relationships that allow our clients to tell their stories. Elected officials and member of the executive branch must find an initiative compelling, consistent with their mission and a good investment for the taxpayer. Our relationships allow for that conversation to take place.

By leveraging our entire team, we are proud of our relationships with key decision-makers in the following areas:

Congress

- Florida Delegation
 - U.S. House of Representatives
 - U.S. Senate
- House Appropriations Committee
- House Natural Resources Committee
- House Armed Services Committee
- House Homeland Security Committee
- House Transportation and Infrastructure
- Senate Appropriations Committee
- Senate Armed Services Committee
- Senate Banking, Housing & Urban Affairs
- Senate Energy and Natural Resources
- Senate Environment and Public Works
- Senate Commerce, Science and Transportation
- Senate Homeland Security and Government Affairs Committee

Executive Branch

- Department of Defense
 - Army Corps of Engineers
 - Navy
- Department of Transportation
 - Federal Transit Administration
 - Federal Highway Administration
- Department of Homeland Security
 - FEMA
 - Coast Guard
 - Customs and Border Protection
- Department of Interior
 - Environmental Protection Agency
 - Fish and Wildlife Service
 - National Park Service
- Department of Housing and Urban Development
- Department of Health and Human Services
- Department of Justice

10. If requested, prepare federal grant applications.

With Congress and the White House clamping down on the proliferation of appropriation earmarks, grant assistance strategies to achieve local funding objectives are more important than ever.

Should the city decide to pursue grant opportunities, we are available to assist with various efforts beyond “filling out the form.” These include: meetings with federal departments and agencies to discuss your initiatives; working with the Florida congressional delegation to solicit support for grants through letters or contact with agency heads and staff; and using our close relationships with the administration to lobby on the city’s behalf.

By taking this comprehensive approach, our proposed advocacy team has been successful in working with Congress, federal agencies, and the Obama administration to secure grant funding for our local government clients similar to Key West. Recent examples include:

- \$4.6 million in FTA ARRA funds for Sarasota County Transportation Authority to purchase hybrid buses, ITS, equipment, and transfer facility located in Sarasota County
- \$25 million in FTA Urban Circulator funds for the Charlotte (N.C.) Streetcar project
- \$46 million in DOT TIGER grant funds for Doyle Drive Replacement located in San Francisco

11. Provide technical assistance and guidance to City staff in preparing correspondence and reports for Federal funding contacts.

We have an experienced team of individuals that are knowledgeable about federal funding contracts. Take Shawna Watley, a member of your proposal client service team. Before joining Holland & Knight, she was manager of federal relations for the Dallas Area Rapid Transit Authority (DART).

In this position, she steered that public agency’s lobbying team in securing federal grants and other funding for the city’s light rail system. She led their efforts in reauthorization and other federal legislative matters. Ms. Watley and the rest of the client service team would be happy to assist the city with the preparatory paperwork needed for federal funding contracts.

As you will note from the previous list of webinars, we have invested a significant amount of time by our team to understand the important elements of those grant programs. The successes we have been a part of and the lessons we have learned will all benefit the city of Key West.

12. As requested or necessary, arrange meetings between federal agencies and members of Congress and the Mayor, City Commission Members and the City Manager to promote the funding of City projects or to discuss legislative issues affecting the City.

Holland & Knight can connect you with federal agencies and members of Congress because we have built a successful government affairs practice through our depth of experience and diversity – and by maintaining a bipartisan approach.

This strategy has proven successful over the years. For example, when Democrats took control of the House and Senate in 2006, after 12 years of a Republican majority, Holland & Knight's clients continued to benefit from our bipartisan relationships with lawmakers and administration officials. These strong working relationships helped accomplish significant legislative and regulatory achievements during this time.

And, when Republicans reclaimed the majority in the House and made substantial gains in the Senate in 2010, our attorneys and senior policy advocates didn't skip a beat. We continued to lead the pack in providing our clients with advocacy they can depend on.

Our ability to adapt no matter which party is in power has long been recognized as a strength in official Washington. Recently, the readers of *The National Law Journal's Legal Times* voted our firm as No. 1 in the "Law Firm Government Affairs/Lobbying" category.

Another key to our effectiveness is that we employ a team-based approach. We dedicate the personnel with the necessary relationships and substantive knowledge to the matter at hand. We provide a core team for each client with one or two relationship managers, and then draw upon the resources of other lawyers and professionals as necessary and appropriate to meet client needs.

This organizational structure provides clients with a significant advantage that does not exist when hiring individuals in other advocacy organizations who largely operate as independent actors or have meaningful relationships with only one body of Congress or one political party.

At Holland & Knight, we all work as a team for you: Our Federal Practice Group meets regularly to share intelligence, coordinate advocacy activities, develop and execute client action plans. Providing support to the entire organization are a number of seasoned legislative aides with government experience and the ability to track, monitor and report on legislative and regulatory developments in a timely manner.

13. Identify agencies or local governments which may be competing for specific grants or appropriations, and help align support for City projects.

Washington insiders recognize Holland & Knight for its substantial experience in the budget and appropriations arenas. Our lawyers and professionals are former staff members of the Appropriations Committees – or even former members of the committees themselves. We maintain constant contact with the Appropriations Committees. We know the unwritten rules of the budget and appropriations processes, and how and when to intervene to secure funding streams for clients.

Additionally, because of our significant outreach in Florida, we can identify similarly situation municipalities that may be good partners on significant efforts. Beyond Florida, our deep involvement with the Conference of Mayors and League of Cities allows us to additionally identify potential competition for grants and identify potential partners that would enhance the city's chances of success.

14. Provide quarterly reports to the City Manager demonstrating the progress of the firm toward securing funding for City projects. The report shall provide sufficient information as needed in order for the City Commission, City Manager and staff to support any lobbying strategies.

If the city wishes, Holland & Knight can provide activity reports as frequently as requested and certainly quarterly. We do this for many of our public clients and can provide:

- Timely reports regarding the status of legislative, regulatory, and public affairs initiatives we are addressing for the city.
- “Eyes on Washington” Updates: We provide our clients with regular updates – often several times per month – on key developments in Congress and the executive branch.
- Weekly Grant Notification: Each week, we provide our clients with information regarding recently announced federal grant opportunities. We comb through the *Federal Register*, Grants.gov, and other resources to identify specific funding that may be of interest. We provide this service to our clients as part of our regular legislative efforts.

Recent examples of “Eyes on Washington” and the Weekly Grant Notification are available at the end of this proposal.

Furthermore, we encourage you to reach out to us beyond scheduled calls or visits. We understand that important issues arise beyond the normal workday and we make ourselves readily available. We feel strongly about ensuring that even if you are 1,214 miles away from our Washington office, you feel a part of our day-to-day advocacy efforts in the capital city and are always up to speed on our activities and progress.

Additionally, as a matter of practice we communicate with our clients very frequently. We often schedule weekly calls to provide updates and find that in many cases we talk more frequently. This proactive communication allows us to understand the a client's evolving needs and priorities allowing us to more effective in our representation.

15. Appear before the City Commission as requested to report on fund development activities, approximately two times annually. Appearances will be scheduled in advance at the request of the Commission.

Our team will be able to meet with you in Key West or elsewhere as requested.

As noted previously, Holland & Knight is a national law firm with 17 offices located across the country, including Miami, Ft. Lauderdale and Washington, D.C. This allows us to host meetings and events as needed.

SECTION 5: FEES

Provide a fixed fee proposal for performing all the work described in this Request for Proposal. Identify all costs anticipated to be associated with this proposal, including meals, travel, lodging and business expenses. Please provide a description of the cost basis for your proposal.

Based on the services described in RFP #004-12, Holland & Knight would propose a monthly fee of \$7,500 as your government relations partner for the first year of service. The second year would be \$8,000 per month, and the third year would be \$9,000 per month.

You will note that we are not offering a billable hour. We are doing this because, as of Jan. 1, Holland & Knight eliminated the tracking of billable hours for fixed fee clients – becoming the largest national practice group to do so.

Virtually every law firm follows a “billable hour” approach to charging for its services, and public policy practices within law firms are often no different. Generally, the practice of logging time has several drawbacks, not the least of which is the time spent on administrative task, like keeping time, that otherwise would go to creative solutions for client problems.

However, Holland & Knight embraces innovative fee structures that are directly tied to helping our clients achieve their goals. We recognize that our clients are under increased scrutiny to manage their spending efficiently and control costs. Please note that we welcome the opportunity to help our clients secure their goals through tailoring pricing structures. Communication and trust are the cornerstones of effective and meaningful alternative fee arrangements that are intended to work for both parties.

Be assured that we are committed to helping our clients secure their goals through non-traditional pricing arrangements.

APPENDIX A: REQUIRED FORMS

The following pages contain the following completed Anti-Kickback Affidavit forms and a sworn statement on public entity crime as required in RFP #004-12.


ANTI-KICKBACK AFFIDAVIT

STATE OF FLORIDA

SS

COUNTY OF MONROE

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employee of the City of Key West as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

BY: 
DAVID WHITESTONE, PARTNER
HOWARD + KNIGHT LLP

sworn and prescribed before me this _____ day of _____, 2012

NOTARY PUBLIC, State of Florida

My commission expires: _____

SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(A)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY
PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS,

1. This sworn statement is submitted to CITY OF KEY WEST, FL
by DAVID WHITESTONE, PARTNER
(Print individual's name and title)
for HOLLAND + KNIGHT LLP
(print name of entity submitting sworn statement)

whose business address is 2099 PENNSYLVANIA AVE, #100, WASHINGTON DC
and (if applicable) its Federal Employer Identification Number (FEIN) is 59-0663819
(If the entity has no FEIN, include the Social security Number of the individual signing
this sworn statement: _____)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment of information after July 01, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime;
or

2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. the term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment of income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement (indicate which statement applies).

Neither the entity submitting this sworn statement, or any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 01, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH ONE (1) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.



(SIGNATURE)

MARCH 19, 2012

(DATE)

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority _____ who, after first being sworn by me, (name of individual) affixed his/her signature in the space provided above of this _____ day of _____, 2012

NOTARY PUBLIC

My commission expires: _____

APPENDIX B: SAMPLE CLIENT NEWSLETTERS

The following pages contain recent newsletters sent to Holland & Knight clients with the latest information about grants and other funding opportunities.

EYES ON WASHINGTON

February 3, 2012

In This Issue:

- **House and Senate Mark Up Transportation Bills**
- **Congressional Budget Office Releases Ten-Year Economic Outlook**
- **Grant Highlights: TIGER IV Grants, SAFER Grants**

House and Senate Mark Up Transportation Bills

Multiple House and Senate committees with jurisdiction over the surface transportation bill held markups this week. While this is a step forward in moving a long-term reauthorization, conferencing the House and Senate bills will prove difficult, especially when faced with a March 31, 2012 expiration of the current surface transportation authorization.

The two main differences between the House and Senate versions are the proposed duration of the bill and the methods of paying for it. The two-year, \$109 billion Senate bill ([S. 1813](#)) originated at the committee level and was drafted in a bipartisan manner. The House Republican leadership considers the five-year, \$260 billion bill ([H.R. 7](#)), the American Energy and Infrastructure Jobs Act of 2012, to be a jobs bill and proposed controversial offsets to the committees to pay for the bill. If substantial progress does not occur in bridging the two bills, it is possible that the current reauthorization will be extended for the ninth time since SAFETEA-LU expired in September 2009.

Here is a brief synopsis of the markups that occurred this week:

House Transportation and Infrastructure Committee

With 91 amendments already geared up for debate — not including the additional amendments allowed under the open amendment process — yesterday's House Transportation and Infrastructure markup was a long, and at times heated, process. Ultimately, the panel approved the bill 29–24.

Republican members supported the measure because it consolidates programs, provides more flexibility to states in how they spend their federal dollars and streamlines review processes to speed up project completion timelines. However, Democratic members criticized Chairman Mica (R-FL) for not allowing enough time to review the bill — which includes the highway, transit and research titles — particularly the section on state formula funding. Democrats also believe the bill doesn't provide sufficient funding to meet transportation demands.

Among the amendments adopted was a proposal to strike language that would have allowed states to opt into a higher vehicle weight limit of 97,000 pounds for interstate-operating trucks with six axles rather than the typical five.



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Senate Rejects Permanent Ban on Earmarks

Although the Senate passed an insider-trading bill yesterday that will now go to the House for approval, one provision proposing a permanent ban on earmarks was unsuccessful; Sen. Pat Toomey (R-PA) and Sen. Claire McCaskill's (D-MO) amendment failed 40–59. However, before the vote, Appropriations Chairman Daniel Inouye (D-HI) announced that he would seek to extend a voluntary earmark moratorium for FY 2013 appropriations bills.

Instead, the amendment called for a three-year DOT study on the potential effects of increasing truck weights. (The current weight limit is 80,000 pounds for trucks with five axles or more, with some states allowing for heavier loads.)

The bill, as passed out of committee, repeals the transportation enhancements program and removes a current mandatory 10 percent set-aside for transportation enhancement activities within the Surface Transportation Program. Certain activities from the current law's definition of transportation enhancements, such as historic preservation, maintenance of abandoned railway corridors and establishment of transportation museums would be removed. Under the bill, the Safe Routes to School Program would also be eliminated.

The House transportation bill (H.R. 7) may go to the floor as early as the week of February 13, 2012.

House Natural Resources Committee

The House Natural Resources Committee passed a set of bills on February 1, 2012 intended to assist in offsetting the cost of the House surface transportation package (H.R. 7). The three bills approved by the committee would expand onshore and offshore drilling and dedicate revenue from future oil and gas production to offset H.R. 7. This proposal, which has drawn criticism from Democrats and many transportation and transit stakeholders, would support the Keystone XL pipeline and open up a portion of Alaska's Arctic National Wildlife Refuge (ANWR) to oil and gas exploration and production. It would also allow drilling off the coast of southern California and in the currently off-limits eastern Gulf of Mexico. A third measure would open up Western states to oil shale development through experimental extraction techniques. In addition, a national oil and gas production goal would be set.

Democrats argue that the Republican proposals would generate about \$5 billion over 10 years while the current funding gap for transportation and infrastructure programs is estimated at \$12 billion over the next two years.

House Ways & Means Committee

The Ways and Means Committee bill cleared committee this morning, largely along a party line vote. The contentious bill would extend taxes at current rates through FY 2018 on motor fuels, heavy truck sales and use, and certain heavy tires. However, it would reorganize the Mass Transit Account, renamed the "Alternative Transportation Account," by ending the transfer of all motor fuel taxes to the mass transit account. Instead, a one-time \$40 billion appropriation, whose offset is yet to be identified, would go into the "Alternative Transportation Account." This accounting change would force transit programs to rely entirely on appropriations from the General Fund of the Treasury. Currently, only an estimated 20 percent of annual federal transit funding now comes from the General Fund. The Ways and Means bill would still authorize about \$8.4 billion annually in contract authority for formula transit grants, but there would no longer be a dedicated funding source for that authorization. In addition, the bill would authorize net revenues received from onshore and offshore oil and gas leases to be directed to the Highway Trust Fund.

Senate Banking Committee

The Senate Banking, Housing and Urban Affairs Committee yesterday approved an \$8.36 billion transit title, its portion of the surface transportation reauthorization. Like the rest of the Senate transportation bills, the transit title would fund public transportation programs for two years at current levels.

The bill would allow the DOT secretary to apply more oversight and enforcement over public transit agency safety issues. Specifically, the secretary would have the power to impose civil penalties and withhold grants from agencies that violate safety laws. The transit title would streamline grant processes for states, which is largely supported by those on both sides of the aisle, and establish a "State of Good Repair" program to help identify projects that need funding to keep transit systems safe.

The bill also creates a \$20 million pilot program that would distribute transit-oriented development planning grants to promote economic growth and livability around fixed guideway structures and core capacity projects, such as those created through the New Starts program.

The bill maintains the Clean Fuels Grant Program, which is a competitive grant program to support the use of clean fuel vehicles in public transportation, with 65 percent of its funding going toward bus-related projects. Grants would be available for the acquisition of clean fuel vehicles and related equipment, the construction of facilities for clean fuel vehicles and the rehabilitation of existing facilities to accommodate the use of clean fuel vehicles.

The bill will next be combined with the Senate Environment and Public Works Committee bill ([S. 1813](#)) — a \$109 billion, two-year surface transportation reauthorization that has already cleared committee — before moving to the Senate floor. The Senate Finance Committee may also move forward by marking up its bill next week.

Congressional Budget Office Releases Ten-Year Economic Outlook

On January 31, 2012, the Congressional Budget Office (CBO) released its "[Budget and Economic Outlook for FY2012 – FY2022](#)." CBO prepares a 10-year baseline budget projection every January. The projections are typically based on current law. However, CBO added an "alternative fiscal scenario" that assumes the Bush-era tax cuts, which are set to expire this year, are reinstated.

Under CBO's regular baseline projection, which assumes the expiration of the Bush-era tax cuts, the deficit would fall to \$196 billion in FY 2018 from \$1.079 trillion today. (The deficit for FY 2011 was \$1.296 trillion.) Under the alternative fiscal scenario, which anticipates continuation of the tax cuts and repeal of automatic spending cuts required by the August debt limit law, the deficit would balloon into the trillions over the next decade.

The two alternatives present very different results over the coming decade. CBO's regular baseline would result in \$3 trillion of accumulated deficits from 2013 through 2022. Under the alternative scenario, the cumulative deficit would increase to almost \$11 trillion over that period.

While CBO shows two extremes with its 10-year projections, it is presumed that Congress will land on some form of middle ground when approving fiscal policy this year.

Grant Highlights: TIGER IV Grants, SAFER Grants

TIGER IV

DOT has announced the fourth round of the Transportation Investment Generating Economic Recovery (TIGER) grant. \$500 million is available for surface transportation projects having a significant impact on the nation, a metropolitan area or a region. The previous three rounds of the TIGER program provided \$2.6 billion to 172 projects in all 50 states, the District of Columbia and Puerto Rico. As in previous rounds, high-speed rail and intercity passenger rail projects remain eligible for funding. TIGER IV provides for the possibility of up to \$100 million being used toward these projects. It also will continue to encourage the development of transportation projects in rural areas, providing \$120 million for rural transportation projects. Projects will be evaluated on criteria including safety, economic competitiveness, livability, environmental sustainability, state of repair and short-term job creation. Required pre-applications are due on February 20, 2012, and applications are due on March 19, 2012. Please reference the [Federal Register announcement](#) for more information.

SAFER

The application period for FY 2011 Staffing for Adequate Fire and Emergency Response (SAFER) grants opened on January 30, 2012. Just over \$380 million is available under this solicitation, and FEMA anticipates issuing 400 awards. Career, volunteer and combination (career-volunteer) fire departments are eligible to apply. There are two categories of grants: Hiring of Firefighters and

Recruitment and Retention of Volunteer Firefighters. Career departments may apply only under the hiring category. Volunteer and combination department may apply under both categories. Recruitment and retention grants can be used to defray costs including insurance, reimbursement for costs associated with training, tuition assistance, physicals and uniforms. The period of performance has been reduced to two years, and there is no retention commitment. FEMA has established the following funding priorities:

- First priority: rehiring laid-off firefighters
- Second priority: retaining firefighters who face imminent layoff and/or filling positions vacated through attrition but not filled due to economic circumstances
- Third priority: hiring new firefighters

The deadline to apply is February 24, 2012. Please reference the [FEMA website](#) for more information.

About Our Public Policy & Regulation Practice

Holland & Knight's Public Policy & Regulation Group uses its in-depth understanding of governmental operations and political perspectives to help advance our clients' strategic objectives and solve problems. As advocates for our clients, we are committed to helping shape public policy decisions through careful, strategic positioning combined with a deep understanding of our clients' evolving needs. Our team offers depth, diversity and a bipartisan approach that adapts well to changes in the political climate.

About Holland & Knight

Holland & Knight is a global law firm with more than 1,000 lawyers in 17 U.S. offices as well as Abu Dhabi, Beijing and Mexico City. Holland & Knight is among the nation's largest law firms, providing representation in litigation, business, real estate and governmental law. Interdisciplinary practice groups and industry-based teams provide clients with access to attorneys throughout the firm, regardless of location.

Information contained in this alert is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem. Moreover, the laws of each jurisdiction are different and are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult competent legal counsel.

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From: [Holland & Knight Publications](#)
Subject: Federal Grants Newsletter: March 5 - March 9
Date: Friday, March 09, 2012 3:36:18 PM
Attachments: [image001.png](#)

Holland & Knight

Eyes on Washington: Federal Grant Notification Service

Grant Opportunities for March 5th, through March 9th, 2012

Visit [Holland & Knight](#) online

In this Issue

SECTION 1: GRANT ANNOUNCEMENTS:

- Economic Development Administration (EDA)
- Department of Housing and Urban Development (HUD)
- Environmental Protection Agency (EPA)
- Department of Justice (DOJ)
- Department of Labor (DOL)

SECTION 2: GRANT NEWS:

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SECTION 1: GRANT ANNOUNCEMENTS

[EDA: Rural Jobs Innovation Accelerator](#)

The Obama Administration today announced a \$15 million multi-agency Rural Jobs and Innovation Accelerator challenge to spur job creation and economic growth in distressed rural communities. This competition, which is being funded by the U.S. Department of Commerce's Economic Development Administration (EDA), the U.S. Department of Agriculture (USDA), the Delta Regional Authority (DRA), and the Appalachian Regional Commission (ARC), was designed by the Taskforce for the Advancement of Regional Innovation Clusters and the White House Rural Council. The Rural Jobs Accelerator Challenge is expected to give out approximately 20 awards, depending on the number of eligible applications. To be eligible for an award, projects must benefit rural communities, but the applicant is not required to be located in a rural area. Nonprofits, higher education institutions, tribes and state and local governments can collaborate to apply for funding. Although businesses are not eligible to apply directly, applicants can also partner with the private sector on implementation. All applications are due May 9, 2012. For more

information, please visit the [EDA's Full Announcement Notice](#).

[HUD: Moving to Work](#)

Moving to Work (MTW) is a demonstration program for public housing authorities (PHAs) that provides them the opportunity to design and test innovative, locally-designed strategies that use Federal dollars more efficiently, help residents find employment and become self-sufficient, and increase housing choices for low-income families. MTW gives PHAs exemptions from many existing public housing and voucher rules and more flexibility with how they use their Federal funds. MTW PHAs are expected to use the opportunities presented by MTW to inform HUD about ways to better address local community needs. HUD is soliciting applications for four new MTW PHAs. PHAs that are currently designated as a high performers and administer no more than 5,000 units of aggregate housing vouchers and public housing units may apply. Interested agencies will have four months to complete and submit applications. Deadlines vary. For more information, please visit [HUD's Moving to Work Announcement](#).

[EPA: Water and Wastewater Systems Training and Technical Assistance](#)

The U.S. Environmental Protection Agency announced that it will provide up to \$15 million in funding for training and technical assistance to small drinking and wastewater systems, defined as systems that serve fewer than 10,000 people, and private well owners. The funding will help provide water system staff with training and tools to enhance system operations and management practices, and supports EPA's continuing efforts to protect public health, restore watersheds and promote sustainability in small communities. Most of the funding, up to \$14.5 million, will provide training and technical assistance to small public water systems to achieve and maintain compliance with the Safe Drinking Water Act and to small publicly-owned wastewater systems, communities served by on-site systems, and private well owners to improve water quality. EPA expects to make available up to \$500,000 to provide training and technical assistance to tribally-owned and operated public water systems. Applications must be received by EPA by April 9, 2012. EPA expects to award these cooperative agreements by Summer 2012. For more information, please visit the [EPA's Announcement](#).

[DOJ-OVW: FY2012 Sexual Assault Services Culturally Specific Grant Program](#)

The Office on Violence Against Women (OVW) implements the Violence Against Women Act (VAWA) and subsequent legislation and provides national leadership on issues of sexual assault, domestic violence, dating violence, and stalking. Since its inception, OVW has supported a multifaceted approach to responding to these crimes through implementation of grant programs authorized by VAWA. By forging State, local and tribal partnerships among police, prosecutors, judges, victim advocates, health care providers, faith leaders, and others, OVW grants help provide victims with the protection and services they need to pursue safe and healthy lives, while improving communities' capacity to hold offenders accountable for their crimes. The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005

(VAWA 2005), 42 U.S.C. §14043g, and is the first Federal funding stream dedicated solely to the provision of direct intervention and related assistance for victims of sexual assault. The SASP encompasses four different grant programs for the following entities: 1) States and Territories; 2) Tribes; 3) culturally specific organizations; and 4) State, Territorial, and Tribal sexual assault coalitions. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, non-offending family and household members of victims, and those collaterally affected by the sexual assault. All applications are due April 16, 2012. For more information, please visit the [HUD Full Announcement](#).

[DOL-ETA: Youth Build Grants](#)

The Employment and Training Administration (ETA), U.S. Department of Labor (DOL, or the Department), announces the availability of approximately \$75 million in grant funds authorized by the YouthBuild provisions of the Workforce Investment Act [29 USC 2918a]. YouthBuild grants will be awarded through a competitive process. Under this solicitation, DOL will award grants to organizations to oversee the provision of education, occupational skills training, and employment services to disadvantaged youth in their communities while performing meaningful work and service to their communities. Based on FY 2012 funding, DOL hopes to serve approximately 5,210 participants during the grant period of performance, with projects operating in approximately 75 communities across the country. All applications are due May 8, 2012. For more information, please visit the [DOL-ETA Grants Page](#).

SECTION 2: GRANT ANNOUNCEMENTS

[HUD: Choice Neighborhoods](#)

Earlier this week, Choice Neighborhoods released a Notice of Funding Availability (NOFA) announcing \$5 million for the 2012 Planning Grant Competition. HUD invites you to join a discussion of the FY2012 Choice Neighborhoods Planning Grant Competition during a conference call on Thursday, March 15 at 12:30pm EST. The call will be hosted by the Choice Neighborhoods Team and will provide an overview of the Planning Grant Competition.

- Please [click here to RSVP](#) for the call by Wednesday, March 14. All those who RSVP will receive call in information, a reminder email, and call materials on the morning of the call.
- Prior to the call, please [click here to send us your questions](#).

Choice Neighborhoods Planning Grants enable communities to develop an integrated neighborhood Transformation Plan and secure the local commitments necessary for successful implementation. Once the plan is developed, Planning Grant recipients pursue a variety of funding sources to help them transform distressed neighborhoods. Eligible Planning Grant applicants are local governments, public housing authorities, non-profits, tribal entities, and private developers who seek to transform a distressed neighborhood with distressed public housing or other HUD assisted housing. If you would like more information about Choice Neighborhoods, please visit our website at www.hud.gov/cn/. ***The FY2012 Planning Grants application package can be***

downloaded at www.grants.gov/. Additionally, for information on past year Choice Neighborhoods Planning Grantees and runners-up, please visit www.partner.hud.gov.

Note: Holland & Knight LLP provides this service on a weekly basis to our government clients. Its intent is to provide timely updates of federal grant opportunities. Securing federal grants entails a competitive process which is the sole responsibility of interested parties. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader.

Note: The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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