

RESOLUTION NO. 19-321

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING AND APPROVING THE RANKING OF THE PROPOSALS RECEIVED IN RESPONSE TO RFP #010-19 FOR STATE GOVERNMENT RELATIONS SERVICES; SELECTING GRAY ROBINSON TO PROVIDE STATE GOVERNMENT RELATIONS SERVICES PURSUANT TO RFP #010-19; DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH GRAY ROBINSON FOR AN ANNUAL LUMP SUM PAYMENT IN AN AMOUNT NOT TO EXCEED \$72,000.00 IN SUBSTANTIAL CONFORMANCE WITH THE DOCUMENTS CONTAINED IN THE RFP, UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 14, 2019 the City opened three responses to RFP #010-19, which was published on July 6, 2019; and

WHEREAS, an evaluation committee comprised of City staff and a local legal professional convened at a properly noticed meeting conducted consistent with the "Sunshine Law," on September 13, 2019 to rank the respondents, and Gray Robinson received the highest rank in points; and

WHEREAS, the evaluation committee recommended selection of Gray Robinson to provide State Government Relations Services for a period of three years, with options for up to two one-year extensions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission hereby accepts and approves the committee ranking of proposals for State Government Relations services in response to RFP 010-19 as follows:

- (1) Grey Robinson, PA
- (2) Capital City Consulting
- (3) Becker & Poliakoff, PA
- (4) Meenan Capital Group

Section 2: That the City Manager is hereby authorized to negotiate and execute a contract with the first-ranked firm, GrayRobinson, PA for a term of three years, with up to two one-year renewals, for an annual lump-sum payment of \$72,000.00, in substantial conformance with the documents contained in RFP #010-19, upon the advice and consent of the City Attorney. Should the City Manager be unable to negotiate an acceptable contract with the first ranked firm, he shall discontinue negotiations and commence negotiations with the second ranked firm. Should the City Manager be unable to negotiate an acceptable contract with the second ranked firm, he shall discontinue negotiations and commence negotiations with the third ranked firm. If an acceptable contract is not negotiated, the City Manager will report back to the City Commission.

Section 3: That adequate funding for these services is budgeted in account No. 001-1101-511-3100.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 16th day of October, 2019.


Authenticated by the Presiding Officer and Clerk of the Commission on 16th day of October, 2019.

Filed with the Clerk on October 17, 2019.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Billy Wardlow	<u>Absent</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST  
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

## EXECUTIVE SUMMARY

**TO:** Greg Veliz, City Manager  
**FROM:** Doug Bradshaw, Director of Port and Marine Services  
**CC:** Patti McLauchlin, Assistant City Manager  
**DATE:** September 16, 2019  
**SUBJECT:** Award of RFP #010-19 State Government Relations Services

### ACTION STATEMENT:

Resolution approving the recommendation of award to GrayRobinson for State government relations services for a three (3) year contract with the option for two (2) additional one-year terms in an annual lump sum amount of \$72,000.

### BACKGROUND:

Request for Proposal (RFP) # 010-19 State Government Relations Services was advertised on July 6, 2019 seeking proposals from qualified individuals or firms to provide State government relations services for the CITY before the Executive branch, Legislators and/or legislative staff of the State government to secure funds for, and otherwise represent, CITY efforts.

Four (4) responses were received on August 14, 2019 for RFP #010-19 State Government Relations Services.

1. Capital City Consulting
2. Meenan Capital Group
3. Becker & Poliakoff, P.A.
4. GrayRobinson

All proposals received were considered responsive.

Three (3) City Staff members, Jim Scholl, George Wallace, and Doug Bradshaw and one citizen Wayne Miller independently ranked the proposals based on the criteria in the RFP. All reviewers meet at a publicly advertised meeting to compile the rankings, discuss the proposals, and develop a recommendation of award. Complete ranking sheets by each reviewer are attached.

*Key to the Caribbean – Average yearly temperature 77° F.*

WZTHMANS 306LMD3K3

The final ranking was as follows:

<b>FIRM</b>	<b>Total Points</b>	<b>Average Score</b>	<b>Rank</b>
Meenan Capital Group	255	63.8	4
Capital City Consulting	328	82.0	2
GrayRobinson	367	91.8	1
Becker & Poliakoff, P.A.	326	81.5	3

**PURPOSE & JUSTIFICATION:**

The City needs a firm that can identify and secure state funding, can provide access to State agencies and members of the Executive branch, Legislators and/or legislative staff to discuss legislative issues effecting the City, can review on a continuing basis all existing and proposed State of Florida policies and legislation effecting the city, and can monitor all bills, resolutions, files, journals, histories, etc. that may have an impact on legislative or regulatory interests of the City.

**FINANCIAL IMPACT:**

GrayRobinson proposal is for an annual lump sum fee of \$72,000. The City has budgeted \$75,000 for these services in 001-1101-511-3100.

**RECOMMENDATION:**

Based on the ranking it is recommended awarding a contract to GrayRobinson for State government relations services for a three (3) year contract with the option for two (2) additional one-year terms in an annual lump sum amount of \$72,000. If a contract cannot be entered into with GrayRobinson, it is recommended that a contract be offered to the second ranked proposer and so on.

**GRAY ROBINSON**  
ATTORNEYS AT LAW

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TALLAHASSEE MANAGING DIRECTOR  
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JASON.UNGHER@GRAY-ROBINSON.COM

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TEL 850-577-9090  
KEY WEST  
FAX 850-577-3311  
gray-robinson.com  
LAKELAND  
MELBOURNE  
MIAMI  
NAPLES  
ORLANDO  
TALLAHASSEE  
TAMPA  
WASHINGTON, DC  
WEST PALM BEACH

October 31, 2019

*Via Email Transmittal - [sdsmith@cityofkeywest-fl.gov](mailto:sdsmith@cityofkeywest-fl.gov)*

Shawn D. Smith, Esq.  
City Attorney  
City of Key West  
Post Office Box 1409  
Key West, Florida 33041-1409

Re: Engagement with GrayRobinson, P.A.

Dear Mr. Smith:

Thank you very much for your interest in GrayRobinson, P.A. (“GrayRobinson” or “the Firm”). We appreciate the opportunity to provide governmental consulting services to the City of Key West (the “City”). The Firm is committed to providing the highest level of service in furtherance of your goals. This letter will describe the terms under which that representation will occur, disclose the Firm’s reporting responsibilities under the law, and summarize the nature of government consulting services as compared to legal services.

**Firm Contacts for Your Representation**

You have asked the Firm to represent the City before the State of Florida within the executive and legislative branches of government. The entire team of GrayRobinson’s lobbyists will be available to advance your interests. However, in order to ensure that your needs are efficiently and fully addressed, I will be the primary contact for this representation. If I should ever be unavailable, I would encourage you to contact Joseph Salzverg, who will serve as the secondary contact for this representation.

**Fees, Costs and Terms**

In exchange for these services, the Organization agrees to pay the Firm \$6,000 per month for the three-year period from October 1, 2019 through September 30, 2022, with a renewal option of two one-year renewals. All payments should be remitted to 301 East Pine Street, Suite 1400, Orlando, Florida 32801 or via ACH transfer or other electronic transfer upon receipt of invoice. Documented, out-of-pocket costs, including travel at the City’s request and registration fees, directly attributable to the performance of our work will be billed in addition to a monthly retainer. Both the City and the Firm have the right to terminate this contract with or without cause with thirty (30) days’ notice given.

Shawn D. Smith, Esq.  
City Attorney  
City of Key West  
October 31, 2019  
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### **Lobbyist Registration**

Florida law requires that GrayRobinson's lobbyists must register with the State prior to engaging in lobbying activity. Lobbyist registrations are effective when they are received by the State, and lobbying may not occur prior to proper registration. The registration and fee cycle is the calendar year beginning January 1 and ending December 31. Therefore, the City consents for the Firm's lobbyists to register to represent the City, and the Organization agrees to reimburse the Firm for the cost of lobbyist registrations.

Lobbyist registration fees are:

- **Legislature:** \$20 for each person from the point of registration until December 31; then renewed in January each calendar year thereafter.
- **Executive:** \$25 for each person from the point of registration until December 31; then renewed in January each calendar year thereafter.

Lobbyist registration forms will be sent under separate cover following the execution of this agreement. By signing below, you agree to complete and return these forms, which are necessary to our representation of the City during the term of this contract or after its termination should reporting periods overlap. The Firm cannot commence representation until these forms are returned and properly filed with the State.

### **Compensation Reporting**

Florida law requires that the fees and costs invoiced by GrayRobinson for lobbying services are reportable to the State on a quarterly basis to both the Florida Legislature and the Florida Commission on Ethics. Therefore, the City consents to the quarterly disclosure of compensation paid or owed to GrayRobinson for lobbying activity as required by Chapter 2005-359, Laws of Florida. Such consent is granted so that GrayRobinson may file the specified quarterly reports, disclosing only the information required by Chapter 2005-359, Laws of Florida, and shall remain in effect as long as any GrayRobinson lawyer or non-lawyer lobbyist serves as the client's registered representative before the Legislature and any executive branch agency.

Unless you direct otherwise, the Firm will attribute and report 50 percent of our fees and reimbursements as legislative branch lobbying fees, and 50 percent of our fees and reimbursements as executive branch lobbying fees, subject to periodic adjustment by us to reflect our best professional judgment regarding allocation of our efforts associated with this representation.

Shawn D. Smith, Esq.  
City Attorney  
City of Key West  
October 31, 2019  
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### **Confidentiality**

In order to ensure the candor and trust in our relationship that forms the basis of effective representation it is the policy of the Firm to keep strictly confidential all information about your interests and strategies. Because information is our stock in trade and because advancing your interests may depend on it we ask that you also keep confidential any information we may share with you regarding political strategy, insight, information, or analysis. You may share information pertaining to our representation of you with your other consultants and representatives except for any information we specifically deem to be confidential, either verbally or in writing.

### **Distinguishing Between Lobbying and Legal Services; Conflicts**

GrayRobinson offers not only legal services but also lobbying services. The Florida Bar treats legal services differently than non-legal services, which includes lobbying and consulting. It is important to understand the distinction between those services relative to conflicts, and the scope of this representation. *This lobbyist engagement does not create an attorney/client relationship between you and our firm.* If legal services are required by the City, we will enter into a separate engagement.

Both lobbyists and lawyers must avoid conflict of interest. Lawyers may not accept a legal client adverse to another legal client in a legal matter, and our lobbyists will decline to accept a lobbying client involved in legal action against an existing legal or lobbying client of the Firm. However, legal services and lobbying are separate and distinct services for the purposes of evaluating conflicts, and, because lobbying frequently involves advocating for potential changes to existing law within the legislative branch or application of the law by the executive branch, the positions advanced on behalf of lobbying clients may or may not differ from legal positions taken on behalf of clients in judicial proceedings. In some instances, lobbying clients may not have a legal conflict, but they may be marketplace competitors or they may take inconsistent positions on one or more lobbying issues. We will bring any such situations to your attention immediately upon discovery and we likewise ask you to contact us immediately if you have similar concerns at any time. Whenever conditions merit, we will implement and maintain an "ethics wall" to maintain complete separation of information, strategy, and personnel associated with the affected lobbying clients.

Under the scope of representation outlined above we know of no lobbying conflicts with our current lobbying clients, and we have discussed our plan for protecting your interest from marketplace competitors via an ethics wall. If you ever have a concern about a perceived or potential conflict, or any other issue we ask that you alert us immediately so we can address it in a mutually acceptable fashion. We will do the same.



GRAYROBINSON  
PROFESSIONAL ASSOCIATION

Shawn D. Smith, Esq.  
City Attorney  
City of Key West  
October 31, 2019  
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I believe the above reflects our understanding. If it does, please sign this agreement and return to me. If not already completed, electronic lobbyist registration forms will be sent separately from the respective entities for 2019. I appreciate your attention to this matter and look forward to working with you. Please never hesitate to contact me if we can assist you in any way.

Sincerely,

  
Jason Unger

CITY OF KEY WEST


By: 

Printed Name: SHAWN D. SMITH

Title: CITY ATTORNEY

#38548319 v1

# INTEROFFICE MEMORANDUM

**To:** David Sermak, Purchasing  
**From:** Cheri Smith, City Clerk   
**Date:** August 14, 2019  
**Subject:** **City of Key West Request for Proposals State Government Regulations, RFP #101-19**

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The following bids were opened Wednesday, August 14, 2019 at 3:00 p.m. in response to the above referenced project.

1. **Capital City Consulting**  
101 East College Ave, Suite #502  
Tallahassee, FL 32301
2. **Meenan Capital Group**  
300 South Duval Street  
Tallahassee, FL 32301
3. **Becker & Poliakoff, P.A.**  
1 E. Broward Blvd., 18<sup>th</sup> Floor  
Fort Lauderdale, FL 33301
4. **Gray/Robinson**  
301 South Bronough Street, Suite 600  
Tallahassee, FL 32301

CS/mcs

**DOCUMENTS FOR:**



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**RFP #010-19  
CITY OF KEY WEST  
REQUEST FOR PROPOSALS  
STATE GOVERNMENT  
RELATIONS SERVICES**

**JULY 2019**

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**CITY OF KEY WEST**

**MAYOR: TERI JOHNSTON**

**COMMISSIONERS:**

**JIMMY WEEKLEY**

**SAMUEL KAUFMAN**

**BILLY WARDLOW**

**GREGORY DAVILA**

**MARY LOU HOOVER**

**CLAYTON LOPEZ**



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## **REQUEST FOR PROPOSALS**

**Sealed proposals for the City of Key West (City) "RFP #010-19 STATE GOVERNMENT RELATIONS SERVICES" addressed to the City of Key West, will be received at the office of the City Clerk, 1300 White Street, Key West, Florida 33040 until 3:00 PM, local time, on the 14<sup>th</sup> day of AUGUST 2019 and then will be publicly opened and read. Any bids received after the time and date specified will be deemed non-responsive and not be considered.**

**Please submit one (1) original proposal package and two (2) electronic copies on USB drives with a single PDF file of the entire proposal package. Bid package shall be enclosed in a sealed envelope, clearly marked on the outside "RFP #010-19 STATE GOVERNMENT RELATIONS SERVICES", addressed and delivered to the City Clerk at the address noted above.**

### **DESCRIPTION OF SERVICES**

**The CITY is requesting proposals from qualified individuals or firms to provide State government relations services for the CITY before the Executive branch, Legislators and/or legislative staff of the State government to secure funds for, and otherwise represent, CITY efforts.**

### **TERM**

**The contract shall be for a term of three (3) years with the option for two (2) additional one-year terms by mutual written agreement. The selected individual or firm shall identify available State funds or grants for the CITY and provide other government relations services as required in order to secure State funds and enhance relations for the CITY.**

## **SCOPE OF SERVICES**

### **FUNDING OPPORTUNITIES:**

Working in consultation with the City Manager and/or elected officials, the following are areas of responsibility of the State Government Relations firm:

1. Work closely with the CITY to obtain all necessary project information.
2. Secure State funding for the CITY including proactive identification of specific funding opportunities.
3. Monitor State legislation and programs of State agencies to identify new funding sources.
4. Prioritize funding opportunities according to their potential as funding sources.
5. Develop timelines, giving dates when certain activities should begin and when materials should be compiled to meet State guidelines and deadlines.
6. Act as a representative of the CITY and its projects.
7. Coordinate with the State delegation in gaining support for State funding for the CITY, assist in drafting appropriate correspondence, schedule briefings and meetings.
8. Identify and meet with key State agencies, officers of the State government and members of the State legislator related to specific funding sources, propose and implement lobbying and advocacy strategies for gaining their support for CITY projects.
9. Establish and maintain liaisons with key State agencies, officers and elected officials to gain support for CITY projects.
10. If requested, prepare State grant applications.
11. Provide technical assistance and guidance to CITY staff in preparing correspondence and reports for State funding contracts.
12. As requested or necessary, arrange meetings between State agencies and members of the Executive branch, Legislators and/or legislative staff with the Mayor, City Commissioners and the City Manager to promote the funding of CITY projects or to discuss legislative issues affecting the CITY.
13. Identify agencies or other local governments which may be competing for specific grants or appropriations and assist in aligning support for CITY Projects.

14. Provide quarterly reports to the City Manager or designee demonstrating the progress of the individual or firm toward securing funding for CITY projects. The report shall provide enough information as needed in order for the Mayor, City Commission, City Manager and staff to support any lobbying strategies.
15. Appear before the City Commission as requested to report on fund development activities, approximately two (2) times annually. Appearances will be scheduled in advance at the request of the Mayor and City Commission.

#### **MONITORING**

1. Review on a continuing basis all existing and proposed State of Florida policies and legislation effecting the CITY. Identify those issues that may directly, or indirectly effect the CITY or its citizens and regularly inform the CITY as to such matters, both orally and in writing, including the benefits and any inverse impacts of proposed legislation.
2. Work closely with the Mayor, City Commission, City Manager, Assistant City Manager and senior staff in the coordination and development of the City's legislative program for both long and short-term perspectives, as well as legislative priorities.
3. Work closely with the Mayor, City Commission, City Manager and senior staff to develop special or general legislation in keeping with, or supportive of, the City's adopted legislative program.

#### **BILL TRACKING**

1. Obtain and monitor all bills, resolutions, files, journals, histories, etc. that may have an impact on legislative or regulatory interests of the CITY.
2. As copies of any bills and amendments are determined to have an impact on legislative and regulatory interests of the CITY, copies shall be forwarded to the Mayor, City Commission and City Manager.