

Minutes

RTA External & Stakeholder Relations & Advocacy Committee Meeting

9:04 a.m., May 12, 2020

Committee: McCall (Chair), Lucas (Vice Chair), Bibb, Byrne, Pellet

Other members: Clough, Joyce, Moss, Serrano, Weiss

Not present: None

Also Present: Anderson, Benford, Birdsong, Bober, Brown, Burney, Caver, Cottrell-Peiffer, Dangelo, Feliciano, Ferraro, Fields, Freilich, Garofoli, Gautam, Goodwin, Kirkland, Lewis, Pickett, Schipper, Sutula, Togher, Wilson, Young

Chief McCall called the meeting to order at 9:04 a.m. The secretary called the roll and reported that five (5) committee members were present. This meeting was conducted by teleconference for members of the Board in accordance with House Bill 197 of the 133rd General Assembly, signed by the Governor of the State of Ohio on March 27, 2020, the March 9, 2020 order of the Governor of the State of Ohio declaring a public health emergency and the April 30, 2020 order of the Director of the Ohio Department of Public Health prohibiting any gathering of ten (10) or more people, the Board Committee meetings was live-streamed on RTA's Facebook page (www.facebook.com/rideRTA) for staff and members of the public.

RFP Procurement: State Advocacy Services

Jose Feliciano, manager of external affairs and Sharon Cottrell-Peiffer, contract administrator, gave the presentation. The purpose of this project is to help RTA to procure additional funding for ongoing rail car replacement, to maintain assurances that the current GRF funding levels are preserved and to aid in the pursuit of other funding streams in the non-transportation portions of the State budget. Also to facilitate meetings between the RTA and members of the Executive and Legislative branches of the government in Columbus, to adhere to RTA's legislative agenda. Additionally, to coordinate opportunities for legislatures as well as their administrative staff to visit RTA at its facility. This will better inform the State officials on RTA needs and major issues that are currently impacting public transportation in the State.

This is a two year contract with a two year option for renewal. It provides continuity of representation during the upcoming mid-biennium session and the next biennium transportation and general fund cycles. This will support our competitive grant submissions to the ODOT, OEPA and other State departments.

The RFP was issued March 16, 2020. Nine parties downloaded the package. Four vendors proposed. Various RTA departments used evaluation criteria to evaluate the vendors. The recommended vendor is JB Hadden of Murray Murphy Moul + Basil LLP and Terrence O'Donnell of Dickinson Wright PLLC. Both are located in Columbus, Ohio. Their experience includes their relationships with the Executive and Legislative branches of the government, substantive knowledge, diversity and inclusion and proven success. In 2019, there was a rail car replacement project. They advocated for funding and ultimately helped to obtain an award

of \$5 million. The two firms have a team oriented approach leveraging the relationships within the legislative branch and having the legislative resources of a national law firm. Some of their clients include American Express, Cleveland Foundation, Gund Foundation and several others.

Staff requests that the External and Stakeholder Relations & Advocacy Committee recommend to the Board of Trustees the award of a contract to JB Hadden of Murray Murphy Moul + Basil LLP and Terrence O'Donnell of Dickinson Wright PLLC to provide State Advocacy Services in an amount NTE \$170,000.00 for the two year base contract and an amount NTE \$170,000.00 for the one, two-year option for a total amount NTE \$340,000.00 for the four year contract.

Ms. McCall said it would have helped to have a conversation with her to work matters out ahead of time. She is concerned with going out for a contract at this amount in the middle of a circumstance where we know there will be cuts from the State. The normal fee would be \$10,000 a month as a maximum. There were a lot of questions when they hired the federal lobbyist. It was requested that the Board be kept up to date and having them come before the Board. She would like to know what the federal lobbyist are doing as well.

Mr. Bibb asked for the reason two firms were chosen versus one. Ms. Birdsong said the advantage of having an advocacy group that specializes in legal is a benefit they did not see with the other bidders. They had previously worked with RTA on a MOU to work through rail car funding through ODOT and a few other projects. They had a good foothold in Columbus and had worked on transit projects, which some of the other bidders did not specialize in. They are a dual company and provide both services as a benefit through their proposal. Mayor Clough said that history has shown that RTA was not able to get a lot of money from the State. He asked if the \$5 million was attributed to State efforts. He and other Board members made calls to Columbus to garner support. He has no problem with going forward with the contract, but he requested evidence that they are making a difference. He noted that they don't list any transit experience. Mr. Joyce asked about the State lobbyist when he joined the Board. He was told that there was not one, which raised concern. He believes the State team with their connections carried the ball for RTA.

Ms. Birdsong said that staff will advise the Board of the progress and work of the contract. Reports can be provided quarterly. Mr. Schipper said the purpose of the contract was to have someone advocate for RTA in Columbus the next few months. Now that transit funding is in the General Revenue fund, RTA is included with everyone in relation to cuts. This will ensure RTA's portion is preserved as much as possible. It's a two year contract so that whoever is on board now advocating during the mid-term will be in place for the next biennium for the transportation budget and the two year budget so there is a continuity as opposed to doing a three to four month task order contract.

Ms. McCall asked what the price differential was between the other firms. Sharon said that all of the vendors came in at \$6,000 a month. This vendor was slightly higher at \$7,000 a month. Travel was added as an additional cost. Ms. McCall asked what type of travel would be anticipated and a breakdown of what we're paying for. Mike said the base price is \$7,000 a month, which includes quarterly visits to Cleveland. A few thousand dollars was added per year in case of additional things outside of the scope. Additional money was added for licenses and lobbyist registration fees and unanticipated travel. There was a three month engagement with them last year. They went out for a new solicitation in March. These two vendors proposed together. Ms. McCall asked why RTA should have to pay for their fees since we are not their sole client. The Board was told that they never had State lobbyist because through the

partnership with ODOT, that's how lobbying was accomplished. Dr. Caver said the annual cost is \$7,000 x 12 or \$84,000. For the two year period it will be \$168,000 for the normal services. The extra cost is \$2,000 for whatever comes up. Mr. Joyce said that advocacy is needed. Ms. McCall said that in light of possible cuts, loss of ridership and already having federal lobbyist, should we be engaging in local lobbyist for this amount. Ms. Bibb said there needs to be a clear voice at the State level to help minimize cuts and identify additional funding.

Mr. Serrano said the lobbyist can advocate in the era of cuts and position RTA for the recovery. The recovery has to begin now. The Return on Investment (ROI) in the long term is needed. Ms. Pellot understands the need, but is struggling with the amount of the contract. She asked if this can be scaled back. Ms. Moss asked for a comparison with the federal lobbyist fee. Sharon said she believes it is \$8,000 a month. Ms. Moss said the Board was surprised that there was no State advocacy efforts in the past. The fee may be small compared to what the potential loss is especially if other agencies are lobbying heavily.

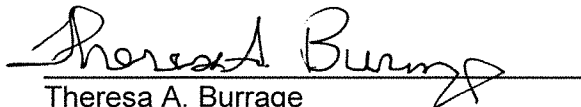
Ms. Birdsong understands the concerns, but it has been challenging at the State and federal level even with the assistance of the federal lobbyist. The State level can be more challenging. OPTA went through a change in leadership. It would be beneficial to have a group to push for the RTA. RTA has more infrastructure needs and an older system than most Ohio transit agencies. RTA needs an expertise to push on its behalf. Mayor Weiss said times like these need Columbus more than ever. He asked if the contract could be two one-year option. Sharon said they have to stick with what was advertised, which was two years with one two-year option. After the first two years is up, they can choose not exercise the option. There is a termination for convenience clause if they find that the vendor is not doing what is needed.

Ms. Birdsong added that if it was changed from two years to one year, they might risk not having consistency from one year to the next for advocacy services coming up on the biennium. Mayor Byrne asked to be consistently updated as much as possible on the work of the lobbyist. Ms. Birdsong said that some of the lobbyist meetings can be coordinated with the Board meetings.

It was moved by Mayor Byrne, seconded by Mr. Bibb and approved to move it to the full Board Meeting today. Chief McCall adjourned the meeting at 9:42 a.m.



Floun'say R. Caver, Ph.D.
Interim Secretary/Treasurer



Theresa A. Burrage
Executive Secretary