



CITY OF MERCED

REQUEST FOR PROPOSALS LEGISLATIVE & ADVOCACY CONSULTING

RFP Released 8/9/2022

Deadline for Submissions 9/16/2022

678 W. 18th Street, Merced, CA 95340

www.cityofmerced.org



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I. INTRODUCTION

The City of Merced is accepting proposals from consultants to represent the City's interests from firms traditionally engaged in lobbying, advocacy, and representation. The City seeks proposals from consultants with a particular focus on obtaining funding and legislative advocacy. The funding areas include and are not limited to those in recently passed State of California bond measures. The City must receive official proposals no later than 5 p.m., Friday, September 16, 2022.

II. BACKGROUND & PURPOSE

The City of Merced is a dynamic community of more than 90,000 people, with friendly small-town living in a mid-size city. The University of California Merced campus, opened in 2005, provides new educational and economic opportunity, adding to the already-established growth of the region. Merced's population is youthful and diverse.

Located in the heart of California's agricultural Central Valley, Merced is the region's hub for education, culture, and business. The community offers pleasant neighborhoods, and tree-lined streets. Bicycle paths along creeks link major City parks. Even with recent increases in prices, Merced's housing remains affordable compared to many California locations. In addition, Merced's revitalized downtown is emerging as the area's entertainment center. Annual events and festivals bring regional and even national recognition.

Merced is a charter city operating under a Council/Manager form of government. There are six City Council Members currently elected by districts, serving over-lapping four-year terms. The Mayor is elected at-large for a four-year term. The Charter imposes a two-term limit on City Council Members and the Mayor. The City has approximately 500 full-time employees serving various departments and divisions, including the City Manager's Office, Finance, Economic Development and Housing, Support Services, Information Technology, Public Works (water, wastewater treatment, and solid waste collection), Planning, Inspection Services, Engineering, Parks, Police, Fire, and the City Attorney's Office. The City also operates a commercial service airport and has a small zoo.

The Merced City Council values advocacy with our state representatives to serve the community.

III. SCOPE OF SERVICES

Basic services to be provided include representation of the City's interests in particular projects, programs, and proposals before the California State legislature or legislative committees, administrative agencies, and others. Representation at the federal level is also of interest.

Platform Overview

The purpose of the Legislative Platform is to provide a means for summarizing the City of Merced's core legislative principles for the purpose of advocacy efforts at the regional, state, and federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Merced.

The Legislative Platform sets forth the City of Merced's legislative objectives for the 2023 legislative session forward and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the Legislative Platform also streamlines the City of Merced's process and allows the Executive team, Mayor and Mayor Pro Tem to effectively respond and take immediate action on pressing legislation under City Council direction.

The City Manager's Office will annually update the Legislative Platform considering new issues or priorities related to Merced or other regional partners. Additionally, the policies established within the platform do not preclude City Council consideration of other legislative matters arising throughout the year that may be brought forward for City Council action.

The City of Merced's primary legislative focus includes protecting local government control, maintaining local government revenue, and obtaining funding for environmental sustainability, public safety, transportation, recreational, technology and infrastructure improvements.

Council will receive copies of correspondence to representatives and regulators regarding pending legislation, policies, and rules, along with updates on any substantial meetings that took place.

The Legislative Platform would undergo an annual revision to reflect changes in the City's needs and priorities, along with the regional, state, and federal budgets.

These are the guiding principles of the legislative platform:

- The City favors legislation that enhances our ability to provide services to our residents;
- The City favors legislation that relieves the local government from needless rules and regulations;
- The city favors legislation that provides additional revenue or enables us to seek new or innovative revenue streams;
- The City is opposed to legislation that limits our self-rule or inhibits the ability of our residents to participate in local government decisions;

- The City opposes legislation that adds new or unjustified rules and regulations.
- The City is opposed to unfunded mandates or any other legislation that adds more costs to City operations that aren't reimbursed, or takes away City funding or revenue streams without replacing the funds

General Government

- Support legislation that encourages policies and programming that promote healthy lifestyles, e.g., physical activity, preventative screenings, healthful eating, and core wellness for people of all ages and abilities.
- Support efforts to increase state resources for local arts, cultural events, and education and library programs, including performing and visual arts programs.
- Support efforts to increase state or federal funding for necessary infrastructure improvements.
- Oppose additional state and federal unfunded mandates.
- Support legislation that would prohibit the flying of helicopters or other aircraft at low altitudes over residential neighborhoods, excluding police, fire, or other public safety aircraft.
- Support legislation that would establish statewide regulations prohibiting the use of uncrewed aircraft to record or transmit any visual or audio recording of a person or private real property in which the subject person or owner of property has a reasonable expectation of privacy, excluding public safety agencies.
- Oppose legislation that would require public agencies to share information that could be used by malicious intended groups or individuals to compromise the systems, services, or private information of public employees or citizens.
- Advocate to maintain peace officer privacy rights in Pitchess motions and Public Record Act requests.
- Advocate against any extension of the statute of limitations in public safety worker's compensation cases.

Local Control

- Support legislation that enhances local control of resources and allows cities to address the needs of local constituents within a framework of regional cooperation.
- Support legislation that encourages the use of federal and state incentives for local government action rather than mandates.
- Oppose any state or federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Oppose legislation that would prevent public comment or review where it is currently allowed, prevents public comments from being used for the basis of regulatory decisions and oppose legislation that removes Council oversight of land use and other regulatory processes.
- Oppose pre-emption of local authority whether by state or federal legislation or ballot propositions.
- Support legislation that would preserve local control for regulation of medicinal marijuana and recreational marijuana sales, delivery, distribution, warehousing,

growing, and testing facilities. Also support preserving the City's right to tax the sales of marijuana products and keep revenues from local taxes and prevent lowering the consumer protections of Proposition 64 and 215.

- Support measures increasing local autonomy, protecting privacy, and maintaining local authority over public records, including measures that provide for recovery of public records request costs.
- Support transparent government and the role of the California Public Records Act while observing and protecting the current Rule of Law in California, including better legislation for protecting the privacy of public records and enhancing laws for digital records.
- Support fiscal sustainability and "best in class" administrative initiatives to ensure the delivery of superlative city services.
- Monitor initiatives which seek changes in fiscal relationships at the local, state, and federal level.
- Support legislation that guarantees on-going revenue sources for local government.
- Pursue funding opportunities for public facilities and services, including capital improvement projects, public works projects, homeland security, public safety, technology, and parks and recreation.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee on-going revenue sources for local government.
- Oppose legislation that would pre-empt local authority over local taxes and fees.
- Protect the City's right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.
- Oppose any federal or state legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting, retroactively or otherwise, Transient Occupancy Taxes.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) Program.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.
- Engage in and advocate for legislation or ballot measures to prevent the state from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.)
- Continue to promote increased flexibility for the utilization of municipally generated revenues.
- Support legislation that includes operational expenses as an acceptable use of public, educational, government access (PEG) funds, collected from cable franchise fees per the Federal Communications Commission, for government access stations.

Economic Sustainability

- Advocate for measures that support the City's continued efforts to retain and promote the success of local businesses and industries.
- Support tourism and its role in creating jobs and economic benefits to the City.
- Support legislation that would allow local brick-and-mortar retailers to compete more effectively against out-of-state internet sellers.

Pension Reform

- Support California League of Cities and other legislative efforts for pension reform and other post-employment benefits (OPEB).
- Monitor legislative initiatives designed to achieve public employee pension reform.

Public Safety

- Oppose legislation or other administrative actions that seek to limit the police department's ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding for police services associated with the early release of state prisoners because of state-mandated criminal justice realignment
- Support the development and use of new firefighting technology to produce higher levels of health and safety.
- Advocate for legislation and funding that would take advantage of current technology to prevent crime (i.e. the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment and research of new emerging technologies that provide law enforcement with tools to provide the highest level of service including:
 - Next Generation 911
 - Mobile & Body Worn Cameras
 - New generation Investigative Technology Collect, store, and retain digital evidence
- Support legislation and seek funding that will assist in preventing and reducing crimes, primarily related to drugs, violence, mental illness, and pedestrian safety.
- Oppose legislation to expand "early release" for low-risk serious and violent offenders without an increase in sustained funding to ensure responsible supervision by parole agents and for local agencies that provide post-release supervision.
- Oppose any efforts to further decriminalize existing crimes in California or lessen the sentences of any offenses that would result in the release of serious criminals who would further harm the safety of the public and law enforcement personnel.
- Support interoperable communication solutions that meet radio spectrum needs of first responders and funding to digitize public safety communications.
- Support efforts to eradicate human trafficking.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Seek grants and pilot project/demonstration project funding for public safety programs and priorities.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding for state and local law enforcement agencies, including behavior health treatment, drug and trafficking taskforces, crisis intervention teams, and adequate patrol staffing.
- Identify opportunities for reimbursements to supplement increased custodial and supervision costs resulting from prison realignment.
- Oppose legislation with mandates for local agency adherence to operations and programs

that may not be reimbursable by state budget funds.

- Support legislation that expands the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support funding for the increased demand being placed on fire and law enforcement for response to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and public safety officers.
- Support a more effective and relevant reporting of local public safety agency data and ensure that any disclosed data be fair and equitable.

Emergency Management and Homeland Security

- Support strategies, legislation, and funding that promotes emergency management, resilience, and recovery efforts.
- Advocate for Interagency Communications Interoperability System (I.C.I. System) participation among jurisdictions and funding for equipment and operations.
- Support funding opportunities for local homeland security, public safety and emergency management programs, including, training, and new technology and equipment (e.g. closed circuit television) that does not supplant other City funding, services or operations.
- Seek grants and pilot project/demonstration project funding for City homeland security, public safety, and emergency management priorities.

Community Development and Transportation

- Promote revisions to California Environmental Quality Act (CEQA) that seek to modernize, simplify, and streamline the Act.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning, and zoning matters.
- Oppose legislation that adds more mandatory elements or requirements to City and County General Plans, including the Housing Element, or reduces or eliminates public input into local land use decisions.
- Support measures and discretionary grant opportunities that provide funding for critical transportation infrastructure projects that improve goods movement, safety, and mobility for residents and visitors in and around Merced.
- Support legislation that expands transportation, planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit, alternative fuel vehicles and fleets, pedestrian walkways, bikeways, multi-use trails and parking.
- Support legislation that furthers the needs of UC Merced and oppose legislation that would impede its mission to educate students and continue its research mission.
- Support legislation that brings the High-Speed Rail to Merced and oppose legislation that impedes its progress.
- Support legislation that brings the Altamont Commuter Express (ACE) to Merced and oppose legislation that impedes its progress.
- Oppose legislation that would prevent the City from providing regulatory oversight or requiring licensing to online transportation networks.
- Support state and federal legislation that enhances the safety of City streets for automobile, bicycle, and pedestrian traffic, including issues related to photo speed radar

enforcement, traffic congestion reduction programs, air quality improvement, and regional transportation improvements.

- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled parking placards.
- Work with other agencies in the region to support current state and federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with Merced County Association of Governments (MCAG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, state, and federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in the City, allowing for better traffic flow, goods movement, improved air quality and pedestrian safety.
- Support increased state and federal resources to mitigate traffic congestion and improve air quality on City streets and rebuild and maintain roads.

Community Services

- Continue to promote legislation that enhances the health of the general population, with an emphasis on programs that focus on youth, adult, aging and at-risk populations.
- Support funding for ADA facility, sidewalk, and park upgrades.
- Promote legislation that provides for increased services to or funding for at-risk populations, such as adult and aging, homeless, disabled and other challenged populations.
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City's homeless population.
- Support legislative efforts to regulate the smoking of any substance at multi-family complexes.
- Support efforts to provide additional services to veterans, especially homeless veterans, ranging from medical care to counseling to education and employment.

Housing

- Pursue incentive-based housing legislation to encourage expanding housing supply in the City, including flexibility for local jurisdictions to work together to provide housing that counts towards Regional Housing Needs Assessment (RHNA) requirements.
- Support federal and state funding for affordable senior and veteran housing opportunities and projects.

Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, potable water, clean air, and wastewater, solid waste removal and storm water.
- Support legislation protecting, preserving, and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships among City government, County government, School Districts, Water Agencies, other entities, businesses, residents, and all other community stakeholders as necessary to achieve a sustainable community.

- Support funding to foster an energy-efficient, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.

Public Works – Water and Utilities

- Ensure the state continues to fund the California Department of Transportation (Caltrans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Caltrans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund storm water capture and retention projects.
- Ensure the State Water Resources Control Board continues to provide Caltrans Storm water a Compliance-Based Credit System that includes compliance based on using funding to support storm water projects that would meet statewide TMDLs.
- Support legislation for funding storm water infrastructure improvements, including building facilities to capture storm water runoff and integrate with local, regional, and statewide water resources.
- Support legislation that would provide pragmatic compliance in statewide and regional NPDES (National Pollution Discharge Elimination System) permits.
- Support state and regional efforts to develop avenues for agencies to collect revenue to support storm water retention efforts.
- Support legislation that would classify storm water as a utility like water, wastewater and solid waste services.
- Support measures that uphold the ability of locally elected City Councils to regulate and manage their publicly owned water utility so that local authority is not eroded by state or federal agencies, authorities, or other regulatory agencies.
- Oppose legislation that adds requirements to provide services that utility customers do not value, want or need.
- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support and credit the role of water conservation and use of efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability.
- Support efforts that seek to bring federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost effective water conservation programs and incentives that are funded by the state or federal government.
- Support flexible funding options that will help local communities upgrade and replace water and wastewater infrastructure.
- Support legislation for state and federal funding and permitting for the development of local water supplies and water conservation efforts, along with additional surface water and groundwater storage and recharge efforts

IV. QUALIFICATIONS

The City of Merced seeks a legislative and advocacy group with a minimum of five years' experience in representing mid-sized cities in California, preferably within the central valley, before the California State Legislature and/or federal government.

V. SUBMISSION REQUIREMENTS

All proposals shall be concise and to the point and should include the following information, organized as separate sections of the proposal.

Section One: Introductory Letter.

All proposals shall be accompanied by a transmittal letter addressed to Stephanie Dietz, City Manager, signed by an officer authorized to commit firm resources. The letter shall include the following:

- a. The name of the proposing firm, the primary contact, mailing and physical address, telephone number and email address.
- b. Cover letter stating interest in the work and whether the consultant provides services related to State government, federal government, or both
- c. Certification that (1) all information submitted in the proposal is true and correct, (2) the person signing the proposal has the full authority to do so on behalf of the firm, (3) the fees proposed have not been knowingly disclosed, directly or indirectly, to any other firm responding to this RFP, and (4) no attempt has been made by the proposing firm to induce any other company to submit or not submit a response to this RFP for the purpose of restricting competition.

Section Two: Previous Experience

Statement of previous experience and expertise, including a minimum of three other local governments for which you have provided similar services.

Section Three: Staffing and Qualifications

Names and qualifications of key personnel assigned to this project, including resumes.

Names of qualified subcontractors, if any, including resumes of key subcontractor personnel.

Section Four: References

All proposals shall include a minimum of three client references, with at least one reference being a recent municipal client. References should include the client's name, contact person, mailing address, telephone number and email address.

Section Five: Fee Proposal

All proposals shall include a detailed explanation of the fees and costs to be charged to the City for the services described in this RFP.

VI. APPLICATION REVIEW & SELECTION

Proposals will be evaluated in accordance with the criteria outlined in the in the section entitled Submission Requirements. Proposals will be evaluated for specificity, completeness,

qualifications of personnel, demonstrated knowledge and experience as described in the section entitled Scope of Services.

The consultant will be selected based on qualifications and demonstrated competence and the agreement may not necessarily be awarded to the lowest responsible proposer. When selecting the consultant, the skill and ability of the entity or person performing the services is a key component of the selection criteria. The City will select the consultant based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

The following criteria will be considered in the application review process:

1. Qualifications of the proposed team members including prior experience.
2. Ability to communicate effectively both verbally and in concise written form.
3. Ability to work effectively with management, attorneys, and staff.
4. Cost and availability of services.
5. The overall quality of the response and conformance with RFP requirements for content and clear understanding of City of Merced needs.
6. References.

The City Council will review, and score submitted proposals and a group of proposals may be elevated for additional review. Additional review may include one or more interviews, in person or by phone. A reference check will be conducted with the finalists. The ad-hoc committee will make recommendations for the City Council's consideration upon the conclusion of the review and interviews with qualified firms.

The City reserves the right to evaluate other service providers based on its needs, the level of cooperation displayed by proposers, including in the negotiation of contract terms, at any time and without notice.

Ultimate acceptance or rejection of the recommended proposal and execution of a contract agreement thereto is the independent sole legal prerogative of the City.

VII. NOTIFICATION


All applicants will be notified of Council decision of award within ten (10) days of Council action. The City reserves the right to reject all proposals and to waive informalities and minor irregularities.

VIII. AWARD OF CONTRACT FOR SUCCESSFUL APPLICANTS

Upon approval of funding by the Council, the successful Applicant organization or entity will be required to enter into a Contractual agreement with the City of Merced. Applicants will be required to submit invoices for payment monthly.

IX. SPECIAL MATTERS & REQUIREMENTS

Representations. Proposers are advised to become familiar with all conditions, instructions, and specifications of this RFP. By submitting a proposal, proposer represents and warrants that it has



thoroughly examined and is familiar with work required under this RFP, that proposer has conducted such additional investigation as it deems necessary and convenient, that proposer can provide the services requested by the City in a manner that meets the City's objectives and specifications as outlined in this RFP, and that proposer has reviewed and inspected all materials submitted in response to this RFP. Once the consultant has been selected, a failure to have read the conditions, instructions, and specifications herein shall not be cause to alter the contract or for proposer to request additional compensation.

Non-Discrimination. By submitting a proposal, the proposer represents that it and its subsidiaries do not and will not discriminate against any employee or applicant for employment on the basis of race, religion, sex, color, national origin, sexual orientation, gender identity or gender expression, ancestry, marital status, physical condition, pregnancy of pregnancy-related conditions, political affiliations or opinion, age, or medical condition.

Conditions of Acceptance. This RFP does not commit the City to award a contract, to pay any costs incurred in the preparation of a proposal for this RFP, or to procure or contract for any services. The City reserves the right to waive any minor irregularities or informalities contained within this RFP, and/or reject any or all proposals received because of this request; negotiate with any qualified source or to cancel the RFP in part or whole. The City of Merced reserves the right to award in whole or in part, by item or group of items, by section or geographic area, when such action serves the best interest of the City.

Public Records. Proposals and all other information and documents submitted in response to this RFP are subject to the California Public Records Act, California Government Code §§ 6250 through 6276.48 (CPRA), which generally mandates the disclosure of documents in the possession of the City upon the request of any person, unless the content of the document falls within a specific exemption category.

Non-Liability. By participating in the RFP process, each respondent agrees to hold the City and its and their officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this RFP.

No Conflict of Interest. Selected consultant/firm shall not employ any City employee or City official in the work performed pursuant to this RFP. No officer or employee of the City shall have any financial interest in the proposed RFP that would violate California Government Code Sections 1090 et seq. If the RFP results in an Agreement being made in violation of Government Code section 1090 et seq., the entire Agreement is void and consultant will not be entitled to any compensation for services performed pursuant to said Agreement, including reimbursement of expenses, and consultant/firm will be required to reimburse the City for any sums paid to the consultant/firm. Consultant/firm understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code Section 1090 and, if applicable, will be disqualified from holding public office in the State of California.

Terms of Agreement and Service Requirement. The selected consultant/firm will be required to enter into an agreement with the City of Merced containing the terms and conditions set forth in the City of Merced's standard agreement. A copy of this standard agreement is in Exhibit 1 of this RFP. If consultant/firm has any exceptions to the standard agreement, requested changes must be submitted as a supplement to the agreement. If the consultant/firm has additional terms or conditions to be included in the agreement, or an alternative service agreement format, these

must be submitted as a supplement to the proposal with a clear explanation of modifications or alternate language sought. The City will review but is not obligated to accept any proposed changes or alternative service agreement formats.

Insurance Requirements and Responsibilities. Consultant shall provide and maintain insurance in accordance with the City of Merced’s standard service agreement, section 10. Upon execution of the service agreement, evidence of insurance will be required and annually thereafter upon expiration of the policies.

X. QUESTIONS OR TECHNICAL ASSISTANCE

All questions and requests for technical assistance concerning this RFP are to be directed to the Public Information Officer via email at pio@cityofmerced.org and shall be submitted no later than **August 19, 2022**.

Mail: City Manager of the City of Merced, Stephanie R. Dietz
678 W. 18th Street, Merced, California 95340

All written questions received within the prescribed deadline will be answered and posted on the City’s website by no later than **August 23, 2022**.

From the date this RFP is issued until a firm or entity is selected and selection is announced, firms and entities are not allowed to communicate outside the process set forth in this RFP with an City employee other than the contracting officer listed above regarding this RFP. The City reserves the right to reject any proposal for violation of this provision. No questions other than written will be accepted, and no response other than written will be binding upon the City.

Official proposals must be received via the United States Postal Service by Friday, September 16, 2022 at 5 PM (PDT) via US Postal Service at the address listed above.

XI. TIMELINE (dates are subject to change)



August 9, 2022
Issuance of RFP



August 19, 2022
Questions/Technical Assistance Due
August 23, 2022
Response to Questions Due



September 16, 2022
Proposals due by 5 p.m. (PST)



September 19 - 23, 2022
Evaluation of proposals and selection
of applicants for interview.



September 26 - 30, 2022
Interview of firms by City Council



October 4, 2022
Contract award and execution



October 11, 2022
Commence