

AGENDA ITEM

DECEMBER SPECIAL 702

DATE: December 13, 2010

TO: Members, Board of Governors

FROM: Robert A. Hawley, Deputy Executive Director

SUBJECT: Interim One Month Extension: Government Affairs Contract

EXECUTIVE SUMMARY

This item seeks approval to extend through January 31, 2011, the contract by which the State Bar currently obtains government affairs representation through The W Group and subcontractor The Mark Weideman Group. The W Group contract (along with the subcontract) expires December 31, 2010. The State Bar has engaged in a Request for Proposal (RFP) procurement process to determine the government affairs contractor for 2011. That process is not complete. The Board was advised in November that the State Bar needs continued government affairs representation until we complete the RFP process and have a new contract in place.

Because the contract awarded to the successful bidder in the RFP process will exceed \$75,000, the contract must be approved by the Board of Governors. The next opportunity for the Board to approve that contract is at its January board meeting. In order to facilitate the Board's consideration of the contract in January, it is requested that the Board authorize the extension of the existing contract for one month, through January 31, 2011. This will allow completion of the procurement process, the contract approval process, actual contracting with the successful bidder, any transition issues, all without interrupting the State Bar's government affairs representation. Unless the existing contract is extended, the State Bar (and the Sections) will be without government affairs representation following December 31, 2010

BACKGROUND

The State Bar's Government Affairs Office consists of two components. One is the non-advocacy component that provides technical assistance to the branches of government on legislation, rules, and other enactments that bear upon the legal profession, the practice of law, and the regulation of the practice of law in California. This component of the State Bar's Government Affairs Office is provided by regular staff employees of the

State Bar currently housed in the San Francisco office. These activities are not included in this contract.¹

The second component of the Government Affairs Office consists of advocacy on the State Bar's legislative program as approved by the Board of Governors. A primary component of this legislative program is the State Bar's fee bill authorizing funding for the agency. The State Bar also initiates and periodically supports non-ideological noncontroversial legislative proposals that enhance the administration of justice in California consistent with Business & Professions Code 6031 [Functions in Aid of Jurisprudence, Justice].

An entirely separate sub-component of the legislative advocacy program involves the State Bar's various Sections that also are active in the legislative process proposing and pursuing their own legislative agenda distinct from that of the State Bar's Board of Governors.

The State Bar's legislative agenda is entirely funded by a special Legislative Activities Fund that allows members to subtract \$5 from their licensing fee if they do not wish to support the State Bar's Legislative agenda. [Business and Professions Code Section 6140.05.] The Section activities are supported entirely by the Section member voluntary contributions.

Both of these advocacy activities are currently performed on an "outsourced" basis by the law and government affairs firm, The W Group, the successor to Wada Williams Law Group, LLP. As the existing contract expires December 31, 2010, and the procurement/contracting process is not yet complete, this interim contract extension is sought.

ISSUE

In order to facilitate the Board's consideration of the contract at its January meeting, it is requested that the Board authorize the extension of the existing contract through January 31, 2011.

DISCUSSION

Consistent with the State Bar's general procurement policies that contracts not exceed three year terms, the government affairs contract that was originally with Wada Williams, and then its successor, The W Group, expires December 31, 2010, and was posted for competitive bidding in June, 2010. In addition to widely posting the Request for Proposals on public websites, the State Bar also directly targeted over 25 registered lobbyists who, from their Secretary of State registration disclosures, appeared to represent entities similar to the State Bar of California.

¹ One State Bar employee is located in Sacramento. That employee's costs are currently split with The W Group based on her division of labor. This employee's services, subject to the same cost split, would also continue through January 31, 2011 under this extension.

The State Bar received eight bids from qualified bidders that were vetted through the State Bar's procurement process. The evaluation team interviewed the bidders. The RFP procurement process is not complete. Bidders have not been notified of any outcome. The final determination on the selection will be made in a public posting once finalized. Because the contract is over \$75,000, the contract will come before the Board at its January meeting for approval. As noted above, this item seeks an interim extension of the existing contract to allow us to complete the procurement and contracting process.

FISCAL / PERSONNEL IMPACT:

A one month extension will cost approximately \$20,000. Absent an extension, the State Bar (and the Sections) will be without government affairs advocacy representation December 31, 2010.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

The contract extension as requested is recommended.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the recommendation, the following resolution is suggested:

RESOLVED, that the Board of Governors hereby authorizes staff to renew the agreement between the State Bar of California and The W Group Strategic Public Affairs, LLC, for Government Affairs advocacy representation through January 31, 2011; and it is;

FURTHER RESOLVED, that the terms of the agreement remain unchanged for this period; and it is

FURTHER RESOLVED that the necessary amendments to the contract be effectuated by the Office of General Counsel.