

**CITY OF SAN ANTONIO  
EXTERNAL RELATIONS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Sheryl Sculley, City Manager  
**FROM:** Ray Baray, Intergovernmental Relations Manager  
**SUBJECT:** State Representation Services Contracts  
**DATE:** February 23, 2006

**SUMMARY AND RECOMMENDATION**

An ordinance authorizing negotiation and execution of professional services agreements with Baker Botts, L.L.P., Brown Consulting, Denton, Navarro, Rocha & Bernal, P.C., Christopher S. Shields, P.C., and Texas Capitol Consulting Group, L.L.C for state representation services, beginning upon execution of the agreements and ending September 30, 2007, with an additional two-year extension, subject to City Council approval; and providing for payment.

Staff recommends approval of this ordinance.

**BACKGROUND**

The most recent contracts for state representation expired on September 30, 2005. They represented the second and final renewal option available within the original contracts. Staff from External Relations, Contract Services and the City Attorney's Office worked together since June 2005 to develop a Request for Proposals (RFP) for state representation services.

The scope of services requested was fairly consistent with that of the past contracts. Respondents not capable of providing the entire requested scope of services were encouraged to partner with other entities prior to the submission of a proposal. This allowed for better comparison among all respondents and identification of a team that is committed to working together on behalf of the City. Specific language was also included in the RFP and draft contract to better address conflicts of interest.

The RFP was released on August 1, 2005 and advertised in the *San Antonio Business Journal*. The RFP was also posted on the City's website and a link to it was emailed to approximately 40 prospective respondents from across the state. The deadline for

submission of proposals was September 30, 2005; seven proposals were received in response to the RFP.

On October 10, 2005, the Evaluation Panel met and reviewed all the proposals received. During the week of October 17, 2005, the following respondents were interviewed by the Evaluation Panel:

- *Baker Botts/Denton, Navarro, Rocha & Bernal/Brown Consulting*
- *Donaldson-Fisher/Erben/Phenix/Siebert*
- *Marc Rodriguez*
- *Shields/Holland + Knight/Texas Capitol Consulting*
- *Winstead/Lopez/Guerra Deberry Coody*

Upon completion of the staff evaluation, the Baker Botts team received the highest overall score. Soon afterward, Councilman Chip Haass asked staff if the top scoring respondent produced the best team to represent the City next session, or whether there was a better option available to the City. External Relations staff responded with a separate recommendation that included five individuals from the top two scoring teams. Each of these individuals has significant experience in issues important to the City, such as appropriations, economic development, natural resources, telecommunications reform, land use and municipal law. If approved by City Council, staff recommends hiring the following individuals: J.E. "Buster" Brown, Tris Castaneda, Harold Oliver, Susan Rocha and Chris Shields.

These new contracts will include an option to renew for an additional two year term.

### **POLICY ANALYSIS**

This ordinance is consistent with City policy of retaining consultants to supplement the City's legislative advocacy efforts and building strategic alliances with officials in Austin that may be poised to further the City's interests.

City staff presented drafts of the RFP to the Council Intergovernmental Relations Committee at its August 17, 2005 meeting, with an update at the September 21, 2005 committee meeting.

### **FISCAL IMPACT**

Funds in the amount of \$190,800 have been allocated in the FY 2006 Adopted General Fund Budget for state representation services. This ordinance action would have a FY 2006 impact of \$175,000 over a seven month period from March through September 2006. Over a twelve month period in FY 2007, these contracts would cost \$300,000 which would be \$109,200 more than the current fiscal year base-line budget. The FY

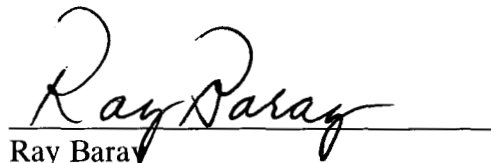
2007 added costs above the base budget would be minimized from the \$15,800 savings that will be realized in FY 2006. An additional \$93,400 would be budgeted as a mandated increase for FY 2007.

### **COORDINATION**

This item was coordinated with the Contract Services Department, Economic Development Department, City Attorney's Office and the Office of Management & Budget.

### **SUPPLEMENTARY INFORMATION**

A copy of the scoring matrix and completed Discretionary Contracts Disclosure forms are attached.

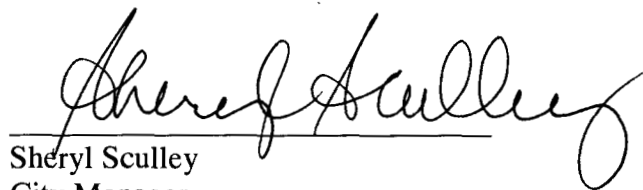
A handwritten signature in cursive script, reading "Ray Baray", written over a horizontal line.

Ray Baray  
Intergovernmental Relations Manager

A handwritten signature in cursive script, reading "Michael Bernard", written over a horizontal line.

Michael Bernard  
City Attorney

Approved for Council Consideration:

A handwritten signature in cursive script, reading "Sheryl Sculley", written over a horizontal line.

Sheryl Sculley  
City Manager

State Representation Services RFP  
Score Summary

	Maximum Points	Baker Botts	Donaldson- Fisher/Erben/Phenix/Siebert	Hardy/Bashur/Garcia	Rodriguez	Shields/Holland & Knight/Tx Capitol	Smith/Cavazos/Longoria	Team Winstead
Approach to Requested Services	20	18.00	16.40	8.80	10.80	16.80	9.60	17.10
Experience/Qualifications of Staff	35	29.40	29.60	18.10	22.20	28.40	18.70	21.50
Experience/Qualifications of Firm(s)	20	17.60	17.80	9.12	13.60	17.20	11.06	13.60
Proposed Fee Schedule	5	2.29	2.20	2.54	5.00	2.33	2.33	2.20
SBEDA	20	6.99	2.50	6.95	9.00	8.40	3.30	8.65
<b>TOTAL SCORE</b>	<b>100</b>	<b>74.28</b>	<b>68.50</b>	<b>45.51</b>	<b>60.60</b>	<b>73.13</b>	<b>44.99</b>	<b>63.05</b>

**City of San Antonio**  
**Discretionary Contracts Disclosure**

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity<sup>1</sup> that is a **party** to the discretionary contract:

Susan C. Rocha, Partner  
Denton, Navarro, Rocha & Bernal, PC  
2517 North Main Ave  
San Antonio, Texas 78212

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Lowell F. Denton, Partner (San Antonio Office)  
Patrick C. Bernal, Partner (San Antonio Office)  
Ricardo J. Navarro, Partner (Harlingen Office)

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

<sup>1</sup> A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

**(5) Political Contributions**

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☐ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Susan C. Rocha	Ruth Jones McClendon	100.00	8/26/04

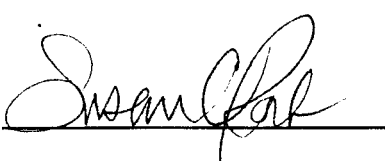
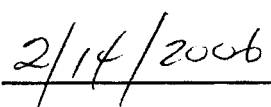
**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

<b>Signature:</b> 	<b>Title: Partner</b>  <b>Company or D/B/A:</b> Denton, Navarro, Rocha & Bernal, P.C.	<b>Date:</b>  
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<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

**City of San Antonio**  
**Discretionary Contracts Disclosure**

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity<sup>1</sup> that is a **party** to the discretionary contract:

HAROLD OLIVER DBA TX CAPITOL CONSULTING GROUP L.L.C.

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

<sup>1</sup> A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

**(5) Political Contributions**

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):



No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:

**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.




Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

Signature:



Title: *PRESIDENT*

Company or D/B/A: *TX  
CAPITAL CONSULTING GROUP LLC*

Date: *2.15.08*

<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.





RECEIVED  
2-15-06  
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## City of San Antonio Discretionary Contracts Disclosure

For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.

(1) Identify any individual or business entity that is a party to the discretionary contract.

Tristan "Tris" Castañeda, Jr.  
Baker Botts, LLP  
98 San Jacinto, Suite 1500  
Austin, Texas 78701

Robert W. Strauser  
Baker Botts, LLP  
98 San Jacinto, Suite 1500  
Austin, Texas 78701

(2) Identify any individual or business entity which is a partner, parent or subsidiary business entity, of any individual or business entity identified above in Box (1).

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a subcontractor on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any lobbyist or public relations firm employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

<sup>1</sup> A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

**(5) Political Contributions**

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any *current or former member of City Council*, any *candidate for City Council*, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3).

Error! Objects cannot be created from editing field codes.No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Baker Botts	Jose Menendez	\$750	5/5/04
Tristan Castaneda, Jr.	Jose Menendez	\$250	5/5/04
Baker Botts	Jose Menendez	\$1,000	12/15/05
Baker Botts	Ruth Jones McClendon	\$500	2/9/04
Tristan Castaneda, Jr.	Ruth Jones McClendon	\$250	2/9/04
Baker Botts	Ruth Jones McClendon	\$500	9/12/05
Tristan Castaneda, Jr.	Ruth Jones McClendon	\$250	8/23/05


**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

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Signature: 	Title: Partner  Company or D/B/A: Baker Botts, LLP	Date: 2/15/05
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<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

**RFP ATTACHMENT 2**  
**City of San Antonio**

**Discretionary Contracts Disclosure**

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)  
Attach additional sheets if space provided is not sufficient.*

**(1) Identify any individual or business entity<sup>2</sup> that is a party to the discretionary contract:**

Christopher S. Shields, P.C.

**(2) Identify any individual or business entity which is a partner, parent or subsidiary business entity, of any individual or business entity identified above in Box (1):**

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Holland & Knight

TX Capitol Consulting Group, LLC

**(3) Identify any individual or business entity that would be a subcontractor on the discretionary contract:**

☒ No subcontractor(s); or

List subcontractors:

**(4) Identify any lobbyist or public relations firm employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.**

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

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**(5) Political Contributions**

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☐ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Christopher S. Shields, P.C.	Rep. R. Jones McClendon	\$500	0/29/05
Christopher S. Shields, P.C.	Rep. R. Jones McClendon	\$250	09/07/04
Christopher S. Shields, P.C.	Rep. R. Jones McClendon	\$250	12/17/04
Christopher S. Shields, P.C.	Rep. J. Menendez	\$250	11/05/03
Christopher S. Shields, P.C.	Rep. J. Menendez	\$1,000	04/30/05
Christopher S. Shields, P.C.	Rep. J. Menendez	\$750	11/29/05

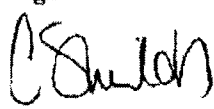
**(6) Disclosures in Proposals**

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☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

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Signature: 	Title: President  Company or D/B/A: Christopher S. Shields, P.C.	Date:  2/16/2006
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<sup>4</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

**City of San Antonio**  
**Discretionary Contracts Disclosure**

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Attach additional sheets if space provided is not sufficient.*

**(1) Identify any individual or business entity<sup>1</sup> that is a party to the discretionary contract:**

J.E. "Buster" Brown  
Jennifer E. Brown  
d/b/a J.E. "Buster" Brown Consulting

**(2) Identify any individual or business entity which is a *partner, parent* or *subsidiary* business entity, of any individual or business entity identified above in Box (1):**

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

**(3) Identify any individual or business entity that would be a *subcontractor* on the discretionary contract.**

☒ No subcontractor(s); or

List subcontractors:

**(4) Identify any *lobbyist* or *public relations firm* employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.**

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

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**(5) Political Contributions**

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☐ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
J.E. "Buster" Brown	Ruth Jones McClendon	\$250.00	10/13/2005


**(6) Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

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Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

<b>Signature:</b> 	<b>Title:</b>  <b>Company or D/B/A:</b> J.E. "Buster" Brown Consulting	<b>Date:</b> 02/16/2006
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<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.