



CAPGOV PROPOSAL & PROFESSIONAL SERVICES FEE AGREEMENT

FOR

FEDERAL GOVERNMENT RELATIONS CONSULTING & LOBBYING SERVICES

RESPECTFULLY SUBMITTED FOR CONSIDERATION TO

CITY OF BAYARD, NM

SEPTEMBER 20, 2022

CAPGOV BACKGROUND

Capitol Government Solutions, LLC (CAPGOV®) is a full-service, government relations firm in Washington, D.C. Our offices are located on Capitol Hill, a short walk from the steps of U.S. Capitol and Senate and House office buildings.

CAPGOV specializes in advising and guiding clients through the legislative and executive processes to accomplish each client's specific objective(s): whether the client's aim is federal funding, legislative, policy, procurement or regulatory/rulemaking in nature. CAPGOV has secured over \$3 billion in federal funding for its clients.

The COVID-19 pandemic has been a difficult landscape to navigate and particularly challenging for smaller, less urban localities with fewer resources. Fortunately, the federal response has been robust, setting the table for unprecedented opportunities to secure federal funding for local projects to help meet local needs. Increased federal funding exists for a wide array of infrastructure projects including, for example, water and wastewater projects, roads and rural broadband as well as funding to support critical services performed by police, fire and medical first responders.

The recent return of a form of congressional "earmarking" provides a welcome, legislative avenue to return federal tax dollars to Bayard. The hardworking residents of Bayard deserve to have a portion of their federal taxes directly benefit their local community. The cost of the City's high priority projects can be significantly offset by securing congressional directed funding.

CAPGOV PERSONNEL

CAPGOV associates have worked in the White House, for Congress, for the Pentagon, the State Department and other Executive Agencies. As such, our team consists of legislative and policy experts that have extensive experience in representing clients across the entire gambit of federal processes. The impressive education, training and career experiences of our team are not, however, what primarily sets us apart from the competition. There are many capable, experienced and well-credentialed government relations firms in Washington. What sets CAPGOV apart is our level of dedication to our clients' federal agenda and an unparalleled commitment to spending the necessary time and expending the energy required to ensure every potential opportunity is seized and that our clients have a distinct competitive advantage in the process. We are proud of our approach and most importantly the exemplary results our efforts have delivered for our clients.

PERSONELL TO BE ASSIGNED TO BAYARD

Mr. Nicholas L. Crockett, CAPGOV President & Founding Principal

Mr. Crockett will personally oversee and perform nearly all the work on behalf of Bayard. CAPGOV staff will play a support role. Mr. Crockett will seek his team's advice and counsel when their expertise or contacts would benefit Bayard. Only in extraordinary circumstances would Bayard interact with someone other than Mr. Crockett.

Considering some of the City's anticipated capital improvement projects and other needs, Mr. Crockett is uniquely positioned, and both personally and professionally connected to relevant members of Congress, congressional committees and their staff. Mr. Crockett is prepared to leverage these contacts and long-time relationships, developed over the past twenty years, to benefit Bayard's objectives.

Mr. Crockett's Bio is provided on the following page.

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BIO

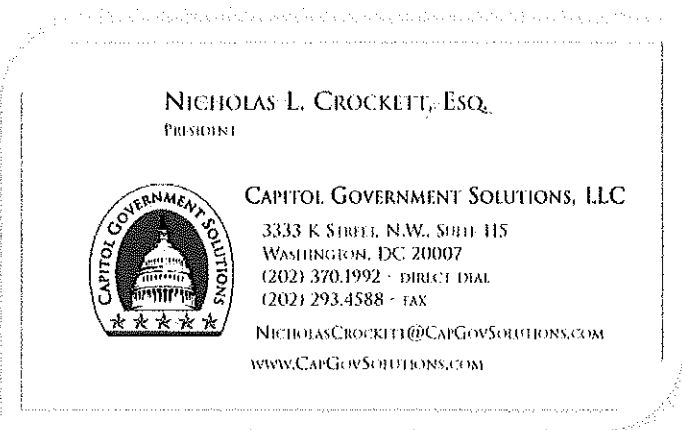
Mr. Nicholas Lee Crockett, President & Founding Principal

As President and founding principal of Capitol Government Solutions, Mr. Crockett will direct all efforts to ensure that Bayard's federal priorities are advanced in an aggressive and strategic manner. Since establishing the firm in 2007, Mr. Crockett's federal relations practice has concentrated on representing public entities such as municipalities, public utilities, transportation authorities and institutions of higher education. Mr. Crockett's practice focuses on helping his clients secure federal funding, developing and implementing federal strategies to achieve policy and legislative change, pass Congressional authorizations and achieve, at the administrative/agency level, favorable administrative rulemaking and official guidance. Mr. Crockett has secured over \$3 billion for his clients over the course of his career.

Prior to establishing Capitol Government Solutions, Mr. Crockett was a partner at the D.C. law and lobbying firm, Lee & Smith, PC. During his tenure at Lee & Smith, Mr. Crockett served as the firm's Director of Legislative and Policy Initiatives.

Over the past twenty years, Mr. Crockett has been actively involved in the political process and has worked in key positions on numerous political campaigns and on Capitol Hill. Prior to law school, Mr. Crockett taught Spanish for a year in the Virginia public school system in Rockbridge County.

Mr. Crockett was raised in Lexington, VA but lived in southern New Mexico for a couple years doing nonprofit work. He is a graduate of the University of Virginia, earning a Bachelor of Arts with Distinction, double majoring in Spanish Literature and in Latin American Political Science, with a minor in Economics. Mr. Crockett also received a Juris Doctor from the University of Virginia. He is a frequent lecturer on the Federal legislative process for universities and other groups across the country. Mr. Crockett provides training and counsel to clients and for several D.C. lobbying firms regarding federal lobbying disclosure law and best practices.



SCOPE OF SERVICES

CAPGOV shall provide all effort and materials necessary to pursue the City of Bayard's federal objectives in Washington, D.C. Community officials shall have access to CAPGOV personnel, expertise and Washington, DC offices, as needed.

- CAPGOV will, under the Direction of the Mayor, Mayor Pro-Tem and the City Council or their designee, coordinate and oversee all the City's federal lobbying activities in Washington, DC;
- CAPGOV will advise the Mayor, Mayor Pro-Tem and the City Council on federal matters;
- CAPGOV will monitor for federal funding opportunities, including direct appropriations (earmarks) and competitive grants, that match the City's needs;
- CAPGOV will perform the necessary legislative research to identify the federal budget account that matches the scale and scope of the Bayard's project(s) and confirm eligibility for congressionally directed spending (earmarks);
- CAPGOV will assist and advise Bayard in preparing and submitting federal congressional appropriations requests such as Programmatic Requests (budget plus-ups), Community Project Funding requests (earmark) and Congressional Directed Spending requests (earmark);
- CAPGOV will assist the City to brief professional congressional staff in Washington, DC on Bayard's direct appropriations requests to Senates and House offices in support of the federal funding initiatives Bayard pursues;
- CAPGOV will shepherd such congressional appropriations request through the year-long federal appropriations process including at the following stages: individual member offices, corresponding House and Senate appropriations subcommittees, House and Senate full committee mark-up, and at the Conference Committee level;
- CAPGOV will review grant solicitations to determine eligibility requirements and advise the City on actions that must be taken to ensure compliance and a timely submission;
- CAPGOV will strategize with Bayard officials and Department personnel to determine how to assemble the most competitive proposal/application possible;
- CAPGOV will help map out a working timeline and ensure the various required components of the grant are assigned and deadlines for completion imposed;
- CAPGOV will assist Bayard to create a politically tuned/sensitive narrative to help augment political support for its requests;
- CAPGOV will schedule and accompany Bayard officials to the Hill to lobby for support of its interests and priorities;
- CAPGOV will schedule and accompany Bayard officials to meet with agency officials and program managers, as needed, to build relationships and will further stress and leverage the City's support for their programs;

SCOPE OF SERVICES (continued)

- CAPGOV will participate in, as needed, agency informational webinars relating to grant solicitations the City is interested in pursuing;
- CAPGOV will represent Bayard and participate in agency working groups, as requested;
- CAPGOV will secure political support from Congressional offices, such as formal congressional letters of support for a Bayard competitive grant application, as appropriate;
- CAPGOV will work with project stakeholders in order to leverage the coalition's political capital to increase the competitiveness of the City's grant application, as circumstance warrant;
- CAPGOV will work with Bayard to acquire letters of support from important local, state and regional partners that when it is determined that doing so will increase the likelihood of success;
- CAPGOV will work closely with Bayard as the City prepares federal grant submissions and provide substantive and technical assistance as needed;
- CAPGOV will make agency inquiries as needed;
- CAPGOV will review federal funding initiatives, prior to submission, to confirm Bayard's application is complete and void of errors or omissions;
- CAPGOV will vet grant submissions for political, agency and programmatic pitfalls;
- CAPGOV will assist Bayard with any agency or congressional inquiries made prior to award announcement;
- CAPGOV will assist Bayard with post-award management issues that ensue; AND
- CAPGOV will provide other reasonable, related assistance to Bayard.

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CONTRACT DETAILS & DISCLOSURES

DISCLOSURE REGARDING "LOBBYING" ACTIVITIES

The Federal Lobbying Disclosure Act of 1995, as amended, and the Honest Leadership and Open Government Act of 2007 require that CAPGOV make certain disclosures to the U.S. Senate and the U.S. House of Representatives including any fees and costs which are incurred for "lobbying" as defined by federal law. These are public documents. Under the Byrd Amendment, federal monies may not be expended to pay for "lobbying" activities. For example, lobbying fees may not be paid out of the proceeds of a Federal transaction and must be paid with non-Federal dollars. CAPGOV will register, track, monitor and report all lobbying activity on behalf of Bayard and file Quarterly LD-2 Reports filed with Congress, in strict compliance with federal law.

DISCLOSURE OF POTENTIALLY RELEVANT, CURRENT or RECENT CLIENTS

Town of Mountainair, NM
City of Orem, UT
Rockbridge County, VA
Park City, UT
Municipal Water Districts of Orange County, CA
Utah Transit Authority
North Dakota State University
Space Dynamics Laboratory (Albuquerque, NM and Logan, UT)
Utah State University
ARUP Laboratory
Snow College (2-year community college)

CONTRACT FEE

CAPGOV is mindful that public entities are entrusted with scarce taxpayer dollars. Our business model and pricing reflect this sensitivity. Our approach when pricing a Proposal is: what is the lowest possible price we can offer the prospective client while still providing our trademark level of service and dedication? We believe our fee must withstand public scrutiny if we plan to maintain long-term client relationships with public entities.

With respect to Bayard, given the City's circumstances and the scope of the challenges the lie ahead, CAPGOV is prepared to offer its services *at cost* for a period of up to 24 months. Put another way, CAPGOV is prepared to offer its services at ¼ its typical rate, sufficient to cover the firm's anticipated overhead costs associated with representing Bayard. No profit is being charged. From time to time, CAPGOV will take on a client such as Bayard, *at cost*, out of a commitment to help communities that stand the most to benefit from federal representation but are normally deterred by the high costs of such services.

CAPGOV will provide Washington Representation (lobbying and non-lobbying consulting), in accordance with the Scope of Services, at the fixed-fee retainer rate of \$1,650 per month (\$19,800.00 annually) paid in monthly installments following the month in which services are rendered. This amount will include all reasonable expenses related directly to representing the City of Bayard, NM.

BILLING & PAYMENT

A fixed-fee retainer is standard in the Federal lobbying /consulting profession. Fixed-fee agreements enable clients to budget for lobbying and related expense and remove what can otherwise be significant fee fluctuations that are inherent to hour-based billing agreements.

Summary Statements that provide an overview of the services performed during a month with accompany CAPGOV's monthly Invoice. CAPGOV's Summary Statement and corresponding Invoice will be transmitted by the first business day of the month following the month of completed services. For example, services rendered during the month of October will be reported and billed to Bayard by the first business day of November. It is expected Bayard will pay invoices received within thirty (30) days of receipt.

TERMINATION

It is anticipated that this contract will be eligible for renewal after a period of one year. Both parties have the right to terminate the contract upon one hundred twenty (120) days written notice to the other party at any time. If there is no indication of a desire to terminate the contract after one year, this contract will automatically be renewed pursuant to the terms outlined in this Agreement.

ACCEPTANCE

If the foregoing arrangements are acceptable to you, please so indicate by signing and returning this Proposal and Fee Agreement. By signing this Proposal and Fee Agreement you represent that you, or another duly authorized representative, has the authority to execute this agreement on behalf of Bayard. This Agreement shall be binding upon Capitol Government Solutions, LLC and the City of Bayard, NM. Once signed, this Proposal will constitute a Fee Agreement, which can be modified at any time by mutual consent. It is anticipated that this Agreement will take effect upon execution.

The price and terms of this Proposal shall remain valid for 45 days.

I am delighted at the prospect of representing Bayard. If you have any questions or would like to discuss any aspect of this Proposal or Fee Agreement, please do not hesitate to contact me.

Respectfully submitted,



Nicholas L. Crockett
President & Founding Principal
Capitol Government Solutions, LLC

ACCEPTED AND AGREED TO:

By: _____

Title: _____
City of Bayard, NM

Title: _____

Date: _____