

# KELLER MCINTYRE

& ASSOCIATES

**COPY**



## Lobbyist & Legislative Representation Services Proposal

RFP # 7-2014

Presented by Keller McIntyre & Associates

February 27, 2014

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LETTER OF INTENT

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February 27, 2014

Mr. Todd Slatin, Director of Purchasing  
Lexington-Fayette Urban County Government  
Division of Central Purchasing  
200 E. Main Street, Room 338  
Lexington, KY 40507

Dear Mr. Slatin,

On behalf of Keller McIntyre & Associates, we are truly enthusiastic about the possibility of partnering with the Lexington-Fayette Urban County Government (LFUCG) to support issues of priority to LFUCG, keep LFUCG aware of legislative issues that impact local governments in general and LFUCG in particular, and to maximize your federal funding.

Our recent client accomplishments include:

- Unprecedented levels of USDA funding;
- Hundreds of millions of dollars in funding for highway and road improvement and transit projects;
- \$140 million authorization for an airport access project;
- \$2 million in emergency funding for flood control;
- \$10.5 million grant for rural healthcare;
- Millions of dollars in funding for police technology, emergency communications, economic development, housing, water, port infrastructure;
- Advocacy that changed outmoded regulations, prevented new taxes that would negatively affect revenues, preserved the nonprofit postal rate discount, extended tax credits for renewable energy implementations, and much more.

We are a Republican-leaning firm with a strong history of bipartisan accomplishments in Kentucky, having worked closely with (and previously served as staff to) Chairman of the House Appropriations Committee Hal Rogers, and U.S. Senators Mitch McConnell and Rand Paul.

With a track record touching four decades, our government relations team is deeply experienced in working with the Congress and the Administration to advance our clients' initiatives. We've helped dozens of counties and cities, hospitals and healthcare organizations, colleges and universities, and other nonprofits achieve their federal funding, legislative, policy, and regulatory, objectives – including formula-based funding, competitive and discretionary grants.

In LFUCG's Scope of Work, you also include 12. Possible Additional Scope regarding establishing and maintaining working relationships with philanthropies, nonprofits and foundations... to forge partnerships and secure funding for Lexington initiatives.

In this regard, Keller McIntyre is second to none. We previously ran the Russ Reid Washington Office (Mark McIntyre founded the office in 1994, Tom Keller served as Deputy Director for 15 years). During our tenure, Russ Reid ([www.russreid.com](http://www.russreid.com)) raised an average of \$2 million a day on behalf of nonprofits, foundations, and other charities.

Our contact information:

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As we begin discussions with a prospective client, we look for three fundamental values to support a working relationship:

First, we must believe in what our client is doing. It would be impossible to do our best work if we didn't share our clients' enthusiasm for their mission. We get involved with our clients and their objectives. It would add significance to our lives to help LFUCG serve your citizens by maximizing federal funding, and advocating for your interests in policy, legislation, and regulation.

Second, Keller McIntyre believes that our work should be enjoyable – fun both for the client and for us. This happens best when there is a strong sense of partnership. Our hope is that we can embark on a true partnership with the leadership of the LFUCG – a partnership characterized by open, honest communication and fruitful work. We look forward to this.

Third, the relationship must be mutually beneficial. You must be able to see measurable results based on well-defined objectives. After all, LFUCG's Mayor and Urban City Council are ultimately accountable to the citizens of LFUCG. We appreciate this accountability. Indeed, we're motivated by it.

LFUCG has a great story to tell on Capitol Hill. Humbly, Keller McIntyre has a proven record of securing federal support for our clients. Together, we can help LFUCG achieve its objectives at the federal level.

We would be both gratified and humbled to be chosen to serve as your federal lobbyists and legislative representatives in Washington, DC – this is the kind of work that gets us up in the morning!

Sincerely,



Thomas C. Keller  
Principal and Co-founder



Mark D. McIntyre  
Principal and Co-founder

## OUR SERVICES

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### APPROACH

We recognize that LFUCG has used federal lobbying firms in the past - - and although we bring the experience, knowledge, values, and work ethic that delivered good-to-great results for clients like the Lexington-Fayette Urban County Government for over two decades, we take nothing for granted.

Superior service begins with an accurate situation analysis.

### **Situation Analysis**

Keller McIntyre can help LFUCG succeed at the federal level because:

1. LFUCG has a strong administration, which strives to ensure that federal funding, policy, legislation, and regulations and are maximized to support the services you provide to the public. Members of Congress, congressional staff, and agency decision makers like to support organizations that have a proven track record of successful planning and executing projects that match federal priorities.
2. Keller McIntyre has strong relationships with the most senior members of the Kentucky congressional delegation. They know us and trust us, primarily for two reasons. First, we work with integrity. Second, we've represented extraordinary nonprofit organizations before your congressional delegation. This trust is essential to success for LFUCG because the federal funding process is highly relational.
3. We've built our firm with former staffers from both the House and the Senate. Thus, we seamlessly integrate with the existing staff of all the Members of your delegation, making their job to serve LFUCG much easier.
4. Keller McIntyre has worked effectively with Tea Party members. This is essential because some influential Members of Congress are members of the Tea Party Caucus. As you know, the Tea Party is dedicated to cutting the federal deficit and debt. They can be indiscriminately anti-spending.

We've built support for client projects by:

- compellingly describing their local, regional, and national benefits, and
- emphasizing that the federal investments will come from existing federal programs -- not new programs.

Two proof-of-concept examples, that are also highly innovative:

- A. Last year, we convinced a conservative Republican and vocal public critic of “Obamacare” to help secure a \$10.5 million grant from the Affordable Care Act for a Keller McIntyre county hospital client.
  - B. We're now working to have Senate Republicans work behind the scenes with Senator Bernie Sanders (I-VT) to extend an otherwise soon-to-be expiring \$350 million funding stream for a national association.
5. We would bring experience, proven strategies and tactics, and high motivation to your front lines, while strengthening and expanding the core capabilities that are the foundations of your effectiveness. We excel in garnering the legislative, policy, regulatory, and funding support necessary to help our clients achieve their mission.

Our approach to securing significant new sources of federal dollars for the Lexington-Fayette Urban County Government would be through congressional appropriations, and competitive and discretionary federal agency grants.

The opportunity for success is quite high based on the quality and diversity of LFUCG’s priority needs... Keller McIntyre’s track record of securing funding... and the ample precedent of the federal government investing in areas that match the priorities of LFUCG.

We are keenly aware that federal legislation, policy and regulation have significant, far-reaching impact on LFUCG priorities. We possess the experience, judgment, strategic expertise, and interpersonal skills to monitor and report on issues of priority in the Congress and the Administration... support issues that benefit LFUCG... and oppose those that do not. We will ensure that LFUCG’s policy positions and goals (including regulatory reform) are advanced with key Members of Congress, senior congressional staff, and Administration decision makers.

Keller McIntyre’s winning approach over the years has been to pursue funding from both the Congress and the Administration simultaneously. On the legislative side, we include language in appropriations and authorization bills that support our clients’ funding requests. On the Executive Branch side we secure dollars through competitive and discretionary grants.

Our staff truly functions as a team. Our team will serve as the Lexington-Fayette Urban County Government’s staff in Washington, DC. We handle the vast majority of the work -- by this we mean north of 90%, not 51%.

We recognize and respect that public service is a calling. We've attended many municipal board meetings that last long into the night. Being an elected official must often feel like a thankless job. At Keller McIntyre & Associates, we pride ourselves in providing compassionate ("to suffer with") service. It gives us joy to share the burdens of elected leaders, and help deliver for their constituents.

## PROPOSED ACTION PLAN

Here we present an action plan of overlapping phases designed to deliver results for the Lexington-Fayette Urban County Government at the federal level.

### Phase 1: Action Planning/Strategy Development

The first phase of our process focuses on LFUCG's priority needs. We immerse ourselves in LFUCG and develop strategies to secure federal legislative and/or executive agency support for the agreed-upon funding priorities.

#### **A. Resource Inventory**

We will conduct an in-depth Resource Inventory at your offices to determine and document LFUCG's strengths as they relate to pursuing federal support.

Prepare a Resource Inventory Outline requesting specific information related to LFUCG's priorities.

Hold meetings as appropriate with members of the Urban County Council, Mayor Jim Gray, other LFUCG executive leadership, senior administrators, and key program people responsible for LFUCG's overall strategic vision and specific policy and funding priorities.

Develop a comprehensive federal grant strategy to maximize support for LFUCG's priorities.

Work with LFUCG to develop a list of funding and policy priorities that will be presented to Members of Congress for their consideration, and match to grant sources including (but not limited to) Community Block Development, Federal Emergency Management Agency, Department of Agriculture Rural Development, and Department of Justice.

#### **B. Develop Support Materials**

Develop themes for proposals.

Write and produce background materials that provide a compelling, persuasive presentation of LFUCG's priorities to federal decision makers -- Members of Congress, congressional staff, senior Administration officials, and program officers responsible for grant programs.

#### **C. Plan Funding Strategies**

Devise legislative strategies tailored to LFUCG's strengths and objectives.

Pursue strategies that coincide with the anticipated legislative agenda of the Congress and the funding priorities of the Administration.

Identify and deploy the human resources available to champion LFUCG's federal government relations program.

**D. Meetings with Members of Congress, Agency Officials and Staff**

Schedule introductory meetings with Members of Congress, agency officials, and their staff in Washington, DC, and in Kentucky.

Highlight the needs and work of the Lexington-Fayette Urban County Government.

Phase 2: Implement Legislative Strategy:

Provide leadership in all aspects of securing legislative support for LFUCG's funding and policy priorities. This critical phase includes communicating the requests to LFUCG's potential congressional champions, and demonstrating how, by making a major investment in LFUCG's priorities, the federal government will advance the infrastructure and economic needs of the nation.

**A. Congressional/Executive Branch Meetings**

Schedule meetings, prepare all briefing materials, and serve as your staff during meetings.

Handle all meeting follow-up work necessary to ensure that funding for LFUCG's priorities remain a priority for key Members of Congress and well as agencies decision-makers.

Function as LFUCG's staff in Washington, DC.

**B. Generate Quality Support Letters**

The ability to generate quality support letters from respected third parties has always been a key element of Keller McIntyre clients' success. These letters will bestow credibility upon LFUCG, and highlight the local and regional support for LFUCG's funding requests.

We will hand-deliver these letters to your congressional champions and relevant senior agency officials to strengthen LFUCG's requests.

**C. Project Prioritization**

Congressional staff creates a priority list of projects to support for funding with the appropriations committees and the Executive Branch agencies. It's essential that LFUCG's projects be considered a priority.

Intensify our follow-up with Members of Congress and staff.

Ensure LFUCG's projects make the priority list.



#### **D. Subcommittee Interaction**

Members of Congress and staff must communicate constituents' priority needs to appropriations subcommittees.

Serve as LFUCG's staff to the congressional staff.

Ensure proper follow-up between your champions' congressional staff and the appropriations subcommittee staff.

#### **E. Grant Proposals and Submissions (year-round)**

To help LFUCG win federal grants, Keller McIntyre will:

Identify grant opportunities and help determine both eligibility and competitiveness. (While LFUCG may technically be eligible for certain grants, it's Keller McIntyre's job to ensure LFUCG is truly competitive before we invest your resources in applying.)

Develop white papers for federal grant proposals.

Research previous grant-winning applications for similar projects.

Participate in agency meetings to gain additional intelligence on agency funding priorities.

Provide LFUCG with a Proposal Management Plan for all grant applications. This outlines the timeline and deliverables for each grant from start to finish.

Write the actual grant proposals.

Review individual grant-scoring criteria to ensure proper emphasis in the application.

Complete and review first drafts at least two weeks before the actual due date of the grant.

Finalize the grant proposal; provide multi-level reviews to ensure clarity, cohesiveness, and editorial input. Check budgets for cost-effectiveness, completeness, and accuracy.

If necessary, elicit support from the Members of Congress and congressional staff whose appropriations subcommittees fund the agencies. While Keller McIntyre serves as LFUCG's "foot soldiers," we will call in congressional air support, as needed.

After winning grants, provide LFUCG with a compliance plan, if needed.

#### **Phase 3: Passage of Legislation and Grant Compliance:**

Continue to build support for LFUCG's priorities through direct communication with Members of Congress and staff, and provide oversight of your team's efforts (both on Capitol Hill and in Kentucky).

Drive LFUCG's funding requests through Subcommittee votes, full Committee votes, House and Senate floor action, Conference Committee deliberations, and the President's signature.

**A. Organization of Support**

Identify prominent third-party supporters to make phone calls to key Members of Congress on your behalf.

Provide all talking points and necessary background information for these calls.

Adjust strategies, if necessary, based on the results of these support phone calls.

Continue the support letter process.

**B. Reinforce Support**

Mayor Jim Gray and selected the Lexington-Fayette Urban County Government leaders return to Capitol Hill for additional meetings. This is largely dependent on feedback from the Members of Congress and staff who are championing your projects.

Prepare materials, talking points, requested follow-up information, and thank you letters.

**C. Congressional Recess Period**

As you know, during congressional recesses (known as "district work periods") throughout the year, Members and staff travel to their states and districts to work, interact with constituents, campaign, and take vacations.

Keller McIntyre will invite Members, staff, and federal agency program officers to tour LFUCG various facilities.

**D. Passage of Legislation**

As you're aware, House and Senate Appropriations Subcommittees meet together in a conference committee to reconcile all remaining differences between the two versions sending the final bill to the President.

Work with key Members of Congress and staff to protect legislative language for LFUCG in legislation.

Handle any requests from Members of Congress and congressional staff.

Provide additional information on any of the funding requests if requested by Members of Congress and congressional staff.

Coordinate support letters and phone calls during floor action.

Leverage congressional support with the Executive Branch to secure funding for LFUCG's various priorities.

### **E. Perform Federal Agency Follow-Up**

Serve as your liaison to the relevant federal agencies to secure the actual release of dollars in a timely manner.

If necessary, elicit support from the Members of Congress and congressional staff whose appropriations subcommittees fund the agencies. While Keller McIntyre serves as LFUCG's "foot soldiers," we will call in congressional air support, as needed.

### WORKING WITH KEY STAKEHOLDER ORGANIZATIONS AND REGIONAL ALLIANCES

Keller McIntyre professionals have worked closely during the past two decades with NACO, NLC, the U.S. Conference of Mayors, and other relevant municipality stakeholder groups. (Also, the National Association of Development Organizations is a former client.) In fact, every category of Keller McIntyre client is associated with a "key stakeholder-based organization" - - often in the form of strategic regional or policy alliances. Thus, it's in our corporate DNA to build and sustain relationships with these stakeholder organizations.

Stakeholder organizations are good sources of information. However, they're cookie cutter. By definition, associations represent the lowest common denominator.

Whether working with stakeholder organizations or regional alliances, we will always put LFUCG's interests first. We tailor legislative strategies designed to achieve LFUCG's objectives. Further, Members of Congress and congressional staff want to hear directly from their constituents – Mayor Jim Gray and Urban County Council Members. Likewise, Administration program officers responsible for grants want to hear directly from the "end user" – again, the Mayor, UCC members, and LFUCG department leaders.

We will leverage relationships with LFUCG and municipality organizations to achieve the objectives of the Lexington-Fayette Urban County Government.

### WORKING WITH FORMULA-BASED FUNDING PROGRAMS

The professionals at Keller McIntyre have years of experience in advocating for formula-based funding programs and identifying, writing and mobilizing support for competitive grants on behalf of municipalities and other clients. We've specifically worked on CDBG, EECBG, and HOME, and helped win competitive federal grants from TIGER, COPS and FEMA, among other grant programs. (Recently, we helped a municipality-university partnership win a \$2.5 million Economic Development Administration grant.)

As former senior staffers in the Congress and Executive Branch, we have an intimate working knowledge and understanding of the legislative and political processes of formula-based and competitive grant programs. We understand the politics that often drive the formulas and the competitive grant decisions. We've leveraged this knowledge and experiences over the years at Keller McIntyre to achieve results for both counties and municipalities.

When Republicans won the U.S. House majority in 2010, they attempted to eliminate critical CDBG funding. Keller McIntyre worked with our relationships in Congress, and partnered with national municipal associations, to ensure funding survived for the CDBG program. This funding enables communities like the Lexington-Fayette Urban County Government to fund vital economic development projects that create jobs through partnerships with local and regional entities.

If Keller McIntyre is chosen, we would push hard and smart over the next three years to preserve CDBG and to increase its funding on behalf of LFUCG.

The EECBG was modeled after HUD's CDBG program and was part of the American Recovery and Reinvestment Act of 2009. It became an important source of energy funding for municipalities like the Lexington-Fayette Urban County Government. While some funding remains available under this program, and we would pursue it for LFUCG, the Congress has not reauthorized this program to continue.

However, the Department of Energy is considering putting additional grant funding towards renewable and energy efficiency. Keller McIntyre Vice President, Brent Merchant, served as Deputy Chief of Staff at the Department of Energy for seven years and has provided our municipality clients expert guidance on pursuing competitive and discretionary funding from the Department.

HOME is one of the largest federal block grants to states and local governments to create affordable housing for low-income households. As LFUCG is projecting significant and rapid population growth over the next 15 years, which may include rental housing units, the HOME grant program may become a critical funding source for LFUCG's transitional housing program. The professionals at Keller McIntyre have worked previously with the Congress and our colleague David Horne, former Chief of Staff to the HUD Secretary, to provide guidance and to increase formula funding to benefit our clients.

Keller McIntyre is an experienced team of federal legislative and grant professionals who identify, write, and submit competitive grants, as well as mobilize the necessary support to win. Ninety percent of successful grantsmanship is preparation and positioning. Ten percent is the actual writing.

Our team utilizes our Project Management Plan (PMP) that provides writing time-lines, review benchmarks and budgeting assistance to gain an edge on preparation and to ensure the deadline submission is met. We've worked to successfully prepare and position municipalities for TIGER I, II, III and IV transportation grants, DOJ and DHS grants – ensuring that all requirements were met for funding... lining up the necessary stakeholders as partners... gaining support from local, state, and regional entities... meeting with the relevant Executive Branch officials... and mobilizing congressional supporters to weigh in with the right program officers at the right time.

Most recently, we helped our clients win a \$10.5 million competitive grant from HHS and a \$2.5 million grant from the Economic Development Administration (EDA).

## OUR QUALIFICATIONS

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### INTRODUCING KELLER MCINTYRE & ASSOCIATES

The core Keller McIntyre team (which previously led Russ Reid's Washington, DC office) that will serve LFUCG has a combined 114 years of federal experience.

It is our mission to help counties and municipalities, public school systems, and other nonprofits achieve their objectives at the federal level. Put simply, we serve institutions that serve people. And we have strong working relationships with the Members and staff who are vital to LFUCG's interests.

Humbly, we are experts in the legislative process, and at identifying and securing federal dollars -- securing grants ranging from \$250,000 to \$12 million, and authorizations of hundreds of millions of dollars.

We also help broaden and deepen our clients' influence on policy and regulatory matters that affect their mission. We monitor congressional action. We pursue advocacy opportunities that help our clients make the most effective case to advance and protect their interests -- such as arranging and attending substantive meetings with Members of Congress, their staff, and White House senior staff; arranging opportunities to testify before Congressional committees; and mobilizing Members of Congress, Congressional committee staff, and congressional personal staff to express their strong support for our clients' interests -- like competitive grant applications -- to Administration decision-makers.

We have helped our clients succeed in changing outmoded regulations, preventing new taxes that would negatively affect tourism revenues, preserving the nonprofit postal rate discount and delay increases, extending tax credits for renewable energy implementations, and much more.

In the years ahead, the Congress will continue to consider legislation that affects the Lexington-Fayette Urban County Government. Keller McIntyre will advocate for, protect, and advance LFUCG's interests in service to your citizens.

### KEY STAFF

Principal and Co-Founder Mark McIntyre will provide strategic oversight on behalf of the Lexington-Fayette Urban County Government. Principal and Co-Founder Tom Keller and Vice President Brent Merchant will provide primary leadership, with support from Legislative Assistant Michael Stone. Steve Carey will assist on both appropriations and policy. Don Carlos Bland and James Alfano will provide leadership on federal grants, as appropriate.

We present these staff on the following pages.

### Highlights

Team Member	Selected Experience
Tom Keller Principal and Co-Founder	<ul style="list-style-type: none"> <li>• Tom will serve as LFUCG’s primary contact, and overall Project Manager.</li> <li>• Previously, Dep. Director Russ Reid, DC and Vice President (15 years), and more than 20 years of professional government relations experience.</li> <li>• Director of Projects, U.S. Sen. Dan Coats (IN); Field Representative, U.S. Rep. John Hiler (IN).</li> </ul>
Mark McIntyre Principal and Co-Founder	<ul style="list-style-type: none"> <li>• Mark will help plan and implement best strategies for LFUCG.</li> <li>• State of Indiana federal lobbyist for then Governor Evan Bayh.</li> <li>• Founding partner of Russ Reid’s Washington, DC office; 28 years of professional government relations experience.</li> <li>• Chief Speechwriter, Vice President George H. W. Bush; Press Secretary, U.S. Rep. Robert Livingston (LA).</li> </ul>
Brent Merchant Vice President of Client Services	<ul style="list-style-type: none"> <li>• Brent will provide leadership in advocacy, policy and federal funding for LFUCG.</li> <li>• Deputy Chief of Staff to Secretary of Energy.</li> <li>• Brent will utilize his DOE experience to help LFUCG maximize funding.</li> <li>• Special Assistant, U.S. Sen. Spence Abraham (MI)</li> </ul>
Steve Carey Senior Consultant	<ul style="list-style-type: none"> <li>• Over 20 years of Capitol Hill experience.</li> <li>• Former Legislative Director to Harold Rogers (KY)</li> <li>• Steve will help guide and implement both policy and legislative advocacy.</li> </ul>
Don Carlos Bland Senior Grants Consultant	<ul style="list-style-type: none"> <li>• 20 years experience in a wide range of state and federal policy, and twice recognized by HHS and HRSA for exemplary service.</li> <li>• Don will leverage his working relationships and policy expertise on behalf of LFUCG.</li> <li>• Expertise includes analysis and review, project management and administration, and much more.</li> </ul>
James Alfano Grants Specialist	<ul style="list-style-type: none"> <li>• Grants Specialist with deep experience in federal grants for municipalities.</li> </ul>

Team Member	Selected Experience
Michael G. Stone Legislative Assistant	<ul style="list-style-type: none"><li>• Michael will handle legislative research and assist in implementing strategy for LFUCG.</li></ul>

BIOGRAPHIES



**Tom Keller, Principal and Co-Founder**

Tom Keller is Principal and Co-Founder of Keller McIntyre & Associates. Tom has more than 20 years of government relations experience in both the public and private sectors. He has an impressive track record of success, having secured hundreds millions of dollars in federal appropriations and competitive grants, winning significant regulatory relief, and delivering legislative victories on behalf of municipalities, nonprofit organizations, institutions, and associations. Tom is an effective strategist and applies his keen understanding of government and political processes to achieve client goals.

Previously, Tom was Vice President and Deputy Director of Russ Reid's Washington office for 15 years where he represented municipalities and major nonprofit organizations. Prior to that, Tom served on Capitol Hill in both the U.S. Senate and U.S. House of Representatives. He worked for seven years as a senior staff member to Senator Dan Coats (IN), who served on the powerful Labor, Health, and Education Committee, during which Tom handled appropriations, authorizations, and policy issues. (Senator Coats currently sits on the Senate Appropriations Committee.)

Tom began his Washington career in 1990 after joining the campaign staff of his hometown Congressman, Rep. John Hiler. As Field Representative, he represented the Congressman at various public events throughout the District and was asked after the campaign to join the Congressman's staff in Washington, DC.

Tom is a native of South Bend, Indiana. He received his bachelor's degree in political science from Indiana University, and went on to pursue his master's degree in government at Johns Hopkins University. Outside of his career, Tom spends time with his family, travels extensively, enjoys fencing, and serves as a trustee of a philanthropic organization.

**Mark D. McIntyre, Principal and Co-Founder**

Mark McIntyre is Principal and Co-Founder of Keller McIntyre & Associates, where he provides strategic oversight and manages the firm's government relations practice.

Mark has nearly three decades of federal experience, having worked on Capitol Hill, in the White House, and in the private sector. Recently,



Mark was named one of Washington's Top 30 Federal Lobbyists by First Street, a division of CQ Press.

Prior to co-founding K&M, Mark served as Senior Vice President and Director of Russ Reid's Washington, DC office, which Mark opened in 1994. Russ Reid is the largest marketing and communications agency in the U.S. dedicated to serving nonprofit organizations.

Prior to leading Russ Reid DC, Mark served as the youngest Vice President in the history of Cassidy & Associates, the largest independently owned public affairs firm ever established in Washington, DC. While there, he served as the firm's Team Leader for the State of Indiana. He also represented states and municipalities, corporations, colleges and universities, and hospitals and medical centers before the Congress and the Administration.

Mark previously served as Chief Speechwriter to then-Vice President Bush from 1986 through the 1988 presidential campaign, transition, and inauguration.

Mark began his career with Rep. Robert L. Livingston (retired), who became Chairman of the full Appropriations Committee. As a key member of Rep. Livingston's staff, Mark worked on major legislation related to the Port of New Orleans, and related water, environment, and infrastructure legislative and regulatory issues.

An award-winning writer, Mark is a frequent commentator on trends in government relations. Mark earned a BA in English at Yale University.

Most significantly, Mark is the father of Nora, his teenage daughter, the joy – and challenge – of his life.



**Brent W. Merchant, Vice President of Client Services**

Brent helps clients achieve their federal objectives in the areas of transportation, housing, health care, education, social services, energy, and international development.

Prior to becoming Vice President at Keller McIntyre & Associates, Brent leveraged his strong policy, regulatory, and legislative background, as well as his wide range of expertise and relationships throughout the Executive Branch, on behalf of major nonprofit and corporate clients at Russ Reid's Washington, DC, office.

Beginning in 2009, Brent was the Government Affairs Director for LPB Energy Management, a leading energy data management firm. Brent established the federal government presence for LPB, advising company leadership on policy and legislative matters, and overseeing the development and execution of government contracts and partnerships.

From 2001 to 2008, Brent served as senior staff at the Department of Energy where he was named to the position of Deputy Chief of Staff to the Secretary of Energy. In that role, Brent advised the Secretary on policy, operational, regulatory, and legislative issues. Brent also served



as Senior Advisor to the Deputy Secretary of Energy focusing on policy, project management, and operational issues throughout the Department and its National Laboratory complex.

Brent began his career working as an aide to Senator Spencer Abraham in his native Michigan. He earned a BA in Political Science at Hope College.

### **Steve Carey, Senior Consultant**

Steve served in key policy positions in both the House and Senate Chambers of the U.S. Congress. With over 20 years of Capitol Hill and related federal experience, Steve brings to LFUCG a strong command of the appropriations and legislative process.

He has served as a Legislative Director for two different Members of the House Appropriations Committee, including current Chairman Harold Rogers (KY, R-5)... as a legislative assistant to the Ranking Member of the House Labor, Health and Human Services, and Education Appropriations Subcommittee... and as a Legislative Director in the U.S. Senate for a Member of the Health, Education, Labor, and Pensions Committee as well as the Armed Services Committee.

### **James C. Alfano, Grants Specialist**

James Alfano provides Keller McIntyre & Associates with innovative federal grant search and implementation resources. He is a managing partner of the FundBook and EfficientGov – two on-line resources utilized by more than 20,000 municipal entities and two-thirds of the U.S. Congress.



Prior to his work in publishing, James served as Grants Director at the Washington, DC-based municipal lobbying firm, Marlowe & Company. Representing local governments and nonprofits across the country, James worked with clients to identify and pursue federal funding opportunities through both the annual appropriations process and federally administered grant programs.



### **Don Carlos Bland, Senior Healthcare Consultant**

Don has more than 20 years of experience analyzing, reviewing, and interpreting national and state level health policy related to the prevention and wellness initiatives, chronic disease and its risk factors, maternal and child health programs, health care access and health equity.

Recognized twice by the U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) for exemplary service, Don most recently provided consultation regarding how federal policy might be changed to improve care and reduce health disparities to the HHS Office of Minority Health (OMH) and the HHS Federal Internal Management Team, an interdepartmental collaborative comprised of 21 HHS agencies and five

other departments (i.e., U.S. Department of Housing and Urban Development, Agriculture, Veterans Affairs, Education, and Transportation).

Don's professional skills include project management, contract administration, editorial services to support development of widely disseminated materials (e.g., commissioned papers, website content, Compendia, newsletters, media releases, white papers, grant applications and proposals), preparation of grant applications and proposals, as well as the delivery of capacity building services to community and faith-based organizations, including curriculum development; facilitation services; training; alliance building; identifying best practices and supporting replication and/or adaptation activities; developing effective technology transfer tools; strategic philanthropy; diversity strategies; building brand awareness (e.g., social marketing, advertising, public relations) and other communications solutions to enhance organizational missions and effectively reach targeted markets.

Don earned a BA in Communications at Temple University.

On a day-to-day basis, this Keller McIntyre team will help execute legislative strategies and utilize our working relationships in the Kentucky Delegation, the Appropriations Committees, and the Administration to help the Lexington-Fayette Urban County Government achieve its federal objectives.

## EXAMPLES OF OUR CLIENT COMMUNICATIONS

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### HOW WE COMMUNICATE

We customize all of our communication to fit our clients' needs and expectations.

In your RFP, you emphasize "timely information... notification" four times. We understand how important timeliness is. As a result, we provide our clients with relevant federal information before it is publicly available -- especially information pertaining to grant announcements and legislative developments.

We position our clients to work with federal agency program officers to help shape federal grants as they're being formulated -- long before the grants are ever announced.

Our best practices feature:

- Regular communication, including phone calls and emails, with your leadership team to keep you apprised of our activities in real time;
- Conference calls and/or presentations with LFUCG's leadership, Board Members, and others on your schedule or at your request.
- Written reports, including legislative updates, briefing packets, summaries of funding opportunities, agendas, and more.

We have provided a few examples of communications for these clients on the following pages:

• **Client: Village of Franklin Park, IL**

Examples include a post-meeting memorandum, a strategy overview, and a schedule of Capitol Hill visits.

• **Client: American Association of Teaching Health Centers (AATHC)**

We are submitting this work product on behalf of AATHC for three reasons:

1. It conveys Keller McIntyre's ability to handle large, complex legislation, policy, and funding (\$800 million);
2. A-OPTIC, a teaching health center based in Pikeville, is a key member of the association. We've listed John Rehmeyer, Associate Director of Academic Development of A-OPTIC, as a reference;
3. This is a current initiative so it conveys KM's real-time capabilities.

Examples include part of a briefing packet for AATHC meetings on Capitol Hill, and a legislative update.

# KELLER MCINTYRE & ASSOCIATES

## MEMORANDUM

**TO: MR. BARRETT PEDERSEN, MAYOR  
VILLAGE OF FRANKLIN PARK**

**FROM: TOM KELLER AND BRENT MERCHANT**

**RE: FEDERAL PRIORITIES**

**DATE: SEPTEMBER 11, 2013**

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As promised, we have prepared this memo of targeted federal priorities for your review following our recent conference call. This list below builds on the Village's previous priorities. As we discussed, the memo is Village-specific and does not detail our work on the Elgin-O'Hare West Bypass project.

We look forward to your visit to DC in the fall to continue to build the momentum for funding of these projects:

1. Westbrook Storm Sewer and Storm Water Management: we have revised the budget number to \$2.2M and confirmed that a 50% match will likely be required. The EPA has requested \$1.5 billion for clean water activities (including water, wastewater, and storm water activities). It is not yet known whether Congress will appropriate above or below the requested number (they increased it last year). Again, this project would likely need to be funded in conjunction with the state programs. (EPA dollars would flow through the Illinois EPA to the Village for this project).
2. Natural Gas Vehicles and Infrastructure: as we discussed on the call, it is our expectation that there will be more federal money available for alternative fuel vehicles than energy efficiency building projects for municipalities. Thus, we have made this your second priority. The FY 2013 funding number is not yet available for this program. However, DOT made over \$50 million available last year for grants.
3. Village Buildings Energy Efficiency Projects: the program at DOE that directly funds energy efficiency projects for municipal buildings has seen a significant reduction in funding. Only \$2 million was appropriated last year and the same can be expected this year. However, DOE funds energy efficiency projects and planning through other programs, with a requirement that the project be considered innovative or contribute to DOE's research and development priorities. We can make a strong case for the Village, but it depends on the funding available.

4. Franklin Road Repairs: it will be helpful to know more about the potential competition for TIGER grants the Franklin Road project might face in IL. According to our Grants Director, if Franklin Road is funded in part by dollars passed through the state from DOT, it can still receive additional federal dollars for the same project from DOT. Requirements *can* vary from grant to grant, so we will be diligent about this issue. Illinois will receive \$340M for surface transportation projects and \$170M for bridge replacement and rehabilitation projects through the Federal Highway Administration. The Village should be pursuing this funding.
  
5. Sustainable Housing Developments: we discussed this as a potential priority. The Administration budget request for Sustainable Housing funding through EPA, HUD, and DOT is significantly increased (nearly doubling at EPA, for example). The final appropriations budgets have not been finalized, but the funding of sustainable housing and communities is clearly a priority at these agencies. The Village should be pursuing this funding.

We look forward to discussing further our legislative strategy for these projects. We also look forward to advocating with you in person this fall.

# # # #



**VILLAGE OF FRANKLIN PARK**  
**GOVERNMENT RELATIONS STRATEGY OVERVIEW**

October 2013

**I. Elgin-O'Hare Western Access Project**

- a. Advocate for the full appropriation of \$500 million for Projects of National and Regional Significance, as authorized in "MAP-21" (Transportation Re-authorization legislation of 2012).
- b. Build support for EOWA at the Department of Transportation, as DOT implements the new PNRs program.
- c. Leverage congressional and DOT relationships to ensure EOWA is included on the new PNRs list at DOT.
- d. Serve as a resource to DOT as agency officials implement the new PNRs program.

**II. Competitive Grants**

- a. Identify and pursue grant opportunities for VOFP's top priorities at the Department of Transportation, Environmental Protection Agency, Department of Energy, the Department of Housing and Urban Development, and the Economic Development Administration.
- b. Recommend grants to support VOFP's priority projects:
  - i. Franklin Avenue/Taft Avenue Bridge Repairs.
  - ii. Westbrook Storm Sewer and Storm Water Management.
  - iii. Belmont Ave Railroad Underpass.
  - iv. Natural Gas Vehicles and Infrastructure.
  - v. Village Buildings Energy Efficiency Improvements.
  - vi. Sustainable Housing Developments.

-2-

**III. Executive Branch**

- a. Build support for VOFP's priorities with targeted agencies and program officials ahead of grant releases.
- b. Advocate for funding requests that support municipal projects.
- c. Develop winning grant applications for VOFP's priority projects.

**IV. Legislative**

- a. Continue to build support for EOWA, specifically, the full \$500 million appropriation for PNRS and inclusion of EOWA on DOT's list of recommended projects.
- b. Leverage key congressional relationships to support VOFP's grant applications at Executive Branch agencies.
- c. Advocate for appropriation levels, policies, and legislation that support municipal projects and priorities.

**V. Targeted Visits to Washington**

- a. Determine strategic dates to regularly visit DC for targeted meetings on Capitol Hill and with Executive Branch agencies.
- b. Continue to identify, strengthen and build key relationships.

# # # #



## WASHINGTON, DC SCHEDULE

**MAYOR BARRETT PEDERSEN, FRANKLIN PARK**  
**MAYOR JEFFREY SHERWIN, NORTHLAKE**  
**MAYOR MARTY MOYLAN, DESPLAINES**  
**MAYOR FRANK SOTO, BENSENVILLE**  
**MR. BOB SCHILLERSTROM, MEMBER OF GOV. QUINN'S ELGIN O'HARE**  
**ADVISORY COUNCIL**  
**MS. DIANA PALUCH, THE JORDAN GROUP**

**JUNE 26- 27, 2012**

### TUESDAY, JUNE 26

- 4:45 PM**      **WHEELS DOWN. ARRIVE REAGAN NATIONAL AIRPORT (DCA)** via American Airlines #810.  
**HOTEL:** Georgetown Inn, 1310 Wisconsin Avenue NW (Contact: 202.333.8900).
- 7:00 PM**      **RECEPTION, GEORGETOWN INN, 1310 Wisconsin Avenue NW.**
- 7:30 PM**      **DINNER WITH MR. TOM KELLER AND MR. BRENT MERCHANT, Cafe Milano, 3251 Prospect Street, NW (Contact: 202.333.6183).**

### WEDNESDAY, JUNE 27

- 9:00 AM**      **BREAKFAST BRIEFING, 2000 L ST. NW, Suite 350.**
- ❖ Discuss all talking points for each meeting
  - ❖ Please bring your luggage. We will secure it in our offices for the day.

Tom Keller: 202.841.5283  
Brent Merchant: 202.812.7194  
Corinne Ventura: 518.339.8071  
Diana Paluch: 312.342.6147



**10:00 AM REPRESENTATIVE MIKE QUIGLEY (D-IL-5) AND MS. LINDSEY MATESE, CHIEF OF STAFF, 1124 Longworth House Office Building (Contact: 202.225.4061).**

- ❖ Note: Mr. Quigley represents Franklin Park (Mayor Pedersen), Northlake (Mayor Sherwin), and Bensenville (Mayor Soto).
- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)
- ❖ Committee Assignments: Committee on Oversight and Government Reform; Committee on the Judiciary

**10:30 AM MR. BRIAN OSZAKIEWSKI, LEGISLATIVE ASSISTANT TO REPRESENTATIVE DANIEL LIPINSKI (D-IL-3), 1717 Longworth House Office Building (Contact: 202.225.5701).**

- ❖ Note: Mr. Lipinski serves on the Committee that is deciding Transportation Reauthorization
- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)
- ❖ Committee Assignments: Committee on Transportation and Infrastructure, Committee on Science, Space, and Technology;

**11:00 AM LUNCH, Dirksen Senate Cafeteria, Dirksen Senate Building (basement level).**

**12:00 PM SENATOR RICHARD DURBIN (D-IL) AND MR. TOM KOTARAC, PROJECTS DIRECTOR, 711 Hart Senate Office Building (Contact: 202.224.2152).**

- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)
- ❖ Member, Appropriations (Subcommittees: Defense; Energy & Water; Financial Services (Chair); Labor/HHS; State & Foreign Ops, Transportation/HUD)
- ❖ Member: Judiciary; Rules; and Foreign Relations Committees
- ❖ Majority Whip

**1:00 PM SECRETARY LAHOOD AND MR. JOHN PORCARI, DEPUTY SECRETARY, West Building, 1200 New Jersey Avenue, SE, 9th Floor (Contact: 202.366.1111).**

- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)

**2:00 PM REPRESENTATIVE JAN SCHAKOWSKY (D-IL-9) AND MR. BRIAN LAUGHLIN, LEGISLATIVE ASSISTANT, 2367 Rayburn House Office Building (Contact: 202.225.2111).**

- ❖ Note: Mrs. Schakowsky represents DesPlaines (Mayor Moylan).
- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)
- ❖ Committee Assignments: Committee on Energy and Commerce; Permanent Select Committee on Intelligence

**4:30 PM**      **CONGRESSMAN ROSKAM (R-6) AND MR. MARK SKERJAN, LEGISLATIVE ASSISTANT, H-116 (Enter through H-115) (Contact: 202-225-4561).**

- ❖ Focus: Update on Elgin O'Hare West Bypass (West Access)
- ❖ Member: Committee on Ways and Means

**5:00 PM**      **PICK UP LUGGAGE, 2000 L ST. NW, Suite 350. Depart for Regan National Airport.**

**7:05 PM**      **WHEELS UP. DEPART REAGAN NATIONAL AIRPORT via American Airlines.**

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AMERICAN ASSOCIATION OF TEACHING HEALTH CENTERS

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## Messaging for Congressional Meetings

December 3, 2013

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### Key Messages

1. Describe the need. There is a crisis-level shortage of primary care physicians practicing in urban and rural community-based settings.
2. Describe the solution. We represent the approximately 40 Teaching Health Centers operating Graduate Medical Education programs providing primary care medical training to residents in community-based settings.

Our THCGME-funded programs are delivering hundreds of thousands of primary care visits in medically underserved communities, training new primary care physicians and dentists who are three times more likely to practice in these communities in the future.

These underserved communities do not typically receive traditional Medicare GME dollars.

3. Describe the urgency. Funding for this program expires in FY 2015, which is severely impacting our THC's now.

Without a reauthorization of this vital program, the only the source of training for primary care physicians in community-based settings will cease to exist.

Legislation has been introduced in the Senate (S.1759) that will extend THCGME for five years.

4. Make the "ask." We need you to support the extension of THCGME in the Sustainable Growth Rate legislation that is being considered in the House and Senate right now.

THCGME is germane to SGR reform. Health care workforce investments, like THCGME, are all about ensuring access – SGR is about ensuring access for Medicare patients.

5. Describe national and local support. National health and education associations have signed on to support this legislation and its inclusion in SGR -- these are the voices of literally thousands of individuals in the health care, education, and rural health sectors. Locally, more than 40 THC and over 300 residents and hundreds of health professionals support this effort.

# # # # #

**KELLER MCINTYRE**  
— & ASSOCIATES —

**MEMORANDUM**

TO: Members of the American Association of Teaching Health Centers (AATHC)

FROM: Tom Keller, Mark McIntyre, and Brent Merchant  
Keller McIntyre & Associates

DATE: November 25, 2013

RE: Legislative Update and Urgent Next Steps

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**BACKGROUND**

Since June, the American Association of Teaching Health Centers (AATHC) and Keller McIntyre & Associates (KM) have been working with targeted members of Congress to extend and expand the Teaching Health Center Graduate Medical Education (THCGME) program.

To that end, we have worked to draft the right legislation and to mobilize the right Senators to introduce legislation in the Senate that provides five years of sufficient funding for continuation and expansion of THCGME, and to move that bill as a potential add-on for the end-of-year Sustainable Growth Rate (SGR, or “Doc Fix”) legislation (currently being written).

**CURRENT STATUS**

On November 21, after in-person meetings by the AATHC Executive Committee with key Senators and staff, we were successful in securing six original co-sponsors (Senators Durbin-IL, Schumer-NY, Casey-PA, Cantwell-WA, Udall-NM, and Heinrich-NM) that enabled Senator Sanders-VT to introduce a strongly supported reauthorization of the THCGME as Senate Bill 1759, reauthorizing the THCGME program for five years at \$800 million. This legislation would ensure that the program survives and thrives moving forward.

Keller McIntyre and the AATHC continue working with S.1759 co-sponsors, targeted Republican Senators, Senate Finance Committee and House Ways & Means Committee members and staff to secure their active support for this legislation as an add-on to SGR.

The extension of funding for THCGME is supported by a number of key national stakeholder groups, including: the American Academy of Family Physicians, the American Association of Colleges of Osteopathic Medicine, the American Dental Association, the American Osteopathic Association, the Association of Family Medicine Residency Directors, the Association of Departments of Family Medicine, the Society of Teachers of Family Medicine, the North American Primary Care Research Group, the National Association of Community Health Centers, and the National Rural Health Association.

-2-

**URGENT NEXT STEPS**

While Keller McIntyre and the AATHC Executive Committee continue to urge targeted members of Congress (we will participate in another round of meetings the week of Dec. 2<sup>nd</sup>) to include S.1759 in the SGR legislation, it is vital to our strategy that all THC's weigh in now with the right people.

This is the critical in this process. *All* THC's must assert their support with their members of Congress now for the extension of the THCGME reauthorization in SGR. Attached you will find a list of congressional offices, contact information, and talking points for THC's to use when contacting their Members of Congress.

# # # #



## **TEACHING HEALTH CENTERS IN GRADUATE MEDICAL EDUCATION (THCGME)**

**THE PROBLEM:** Primary care physician shortage in community-based settings.

- By 2025, the United States will require an additional 52,000 primary care physicians. The shortage is being felt most deeply in health professional shortage areas (HPSAs) and medically underserved areas (MUAs). As many as 60 million people living in these areas experience disparities in health care access.
- Traditional CMS-funded residency training continues to produce an inordinate proportion of specialists under their fixed cap, at the expense of primary care.

**THE SOLUTION:** Provide primary care medical training opportunities in community-based settings.

- The Health Resources and Services Administration (HRSA) operates the Teaching Health Center Graduate Medical Education (THCGME) program.
  - Trains residents in community-based settings. As of June 2013, HRSA was supporting over 300 residency slots in these areas.
  - By FY2015, the program will support 775 residency slots per year.
  - Provides more than 700,000 primary care visits in underserved rural and urban communities.
  - Guarantees that every dollar is used exclusively for primary care training.
- *Residents trained in community-based settings are three times more likely to practice primary care in a community based setting.*

**THE URGENCY:** Funding for this program expires in FY2015, but is impacting THCs now.

- Expiration of THCGME funding is threatening the completion of training for many current residents.
- Expiration of funding is preventing the admission of new residents into training.
- Funding uncertainty is impacting the current recruitment efforts of Teaching Health Centers.

**THE REQUEST:** Funding of \$800 million over five years for the continuation and growth of the program through FY2020.

***As a result, THCGME will significantly impact the primary care physician shortage in underserved rural and urban areas by:***

- *Doubling the number of programs supporting the training of over 1,000 residents every year; and*
- *Graduating more than 350 new primary care providers annually who will serve an additional 700,000 new patients every year through nearly 1.5 million patient visits.*

# # # #

## OUR CLIENTS AND REFERENCES

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### OUR EXPERIENCE

#### Relevant Local Government and Non-Profit Experience

Among counties, municipalities, non-profits and related organizations, we have had the privilege of serving:

Appalachia Service Project	City of Butte/Silver Bow (MT)
City of Wilmore (KY) / Asbury Theological Seminary	City of Conyers (GA)
Georgetown College (KY)	City of Green River (WY)
Salt Lake County (UT)	City of Marion (IN) / Indiana Wesleyan University
Fulton County (IL)	City of Pleasanton (CA)
Nye County (NV)	City of Sedona (AZ)
Somerset County (ME)	City of Tamarac (FL)
Port of Los Angeles	Florida Governmental Utility Authority (FL)
Baltimore Public Schools System (MD)	San Diego Zoo Global
City of Beaver Falls (PA) / Geneva College	Village of Franklin Park (IL)
City of Belton (TX)	Village of Kiryas Joel (NY)
City of Boone (IA)	

Here are few examples of service to our clients:

#### **City of Wilmore, Kentucky/Asbury Theological Seminary**

Most folks don't realize that a college or university can receive US Department of Transportation dollars – much less a seminary. This case history demonstrates what a ton of legislative experience, a pound of strategic thinking, and an ounce of creativity can create... when mixed with a lot of hard work.

We would like to deploy these skills on behalf of LFUCG.

Asbury Theological Seminary is a world-renowned multi-denominational graduate school.

The Seminary sought federal funding to design and build a new route of entry into their campus, pedestrian walkways, nodes and landscaping and new parking areas. The construction of a Pedestrian Mall allowed the Seminary to continue its positive impact on the area, and to develop resources that will appeal to an increased amount of prospective students and visitors thereby further adding to the local economy.

Ultimately, the Pedestrian Mall ensured an accessible campus that increased parking capacity and ensured traffic safety in the immediate neighborhood. Asbury Seminary continues to work closely with the City of Wilmore to ensure that the Pedestrian Mall serves both the local community and students.

Accomplishment:

- \$3.124 million for a pedestrian mall and streetscape project.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)

**Village of Franklin Park, Illinois**

Most recently, K&M helped the Village of Franklin Park and a coalition of neighboring towns secure a \$140 million authorization for the Elgin-O'Hare Western Access Project in last year's highway bill, Moving Ahead for Progress in the 21st Century (MAP-21).

As background, the Village of Franklin Park is home to 19,500 residents and a daytime working population of more than 100,000. As the fourth-largest industrial suburban community in Illinois, Franklin Park blends a welcoming attitude toward business while maintaining a high standard of living for its residents. Located just 14 miles west of Chicago's Loop, Franklin Park borders the nation's busiest airport – O'Hare International.

Chicagoland is widely considered to be the nation's rail capital, with approximately 1,500 daily trains operating in the area. A 2002 Federal Railroad Administration (FRA) study of the 1,732 railroad-highway crossings surrounding Chicago named the Grand Avenue intersection in Franklin Park as one of the four worst in the state. The FRA noted that on a typical weekday, more than 4,000 vehicles are delayed at this crossing, corresponding to 223 hours of motorist delay. The cost of pollution and commuter delay at this intersection has been estimated to total \$800,000 per year.

In an effort to alleviate the traffic pressure and make Franklin Park a safer place to live and work, Franklin Park has build an underpass that will allow traffic to move continuously under the rail crossing.

Franklin Avenue is a major thoroughfare near the airport with a great deal of commercial and truck traffic. It is badly in need of repaving, widening, and improving. Franklin Park is moving ahead with plans to improve the Avenue to better serve current traffic volume and the expected increase coming from the Interstate.

The Village of Franklin Park Police Department not only provides first-responder services to the fourth-largest industrial community in Illinois, but it also acts as the backbone for radio communication infrastructure in the western Chicago suburbs and as a regional hosting service for the other communities. Further, Franklin Park's first responders are partially responsible for security at the nearby O'Hare Airport. To ensure public safety and security, Keller McIntyre is also helping Franklin Park expand its law enforcement capabilities by partnering with the federal government.

Keller McIntyre utilized the compelling nature of Franklin Park's funding needs to effectively garner support for Franklin Park's priorities. Keller McIntyre diversified the Village's requests by requesting the Congress' assistance to secure funding for various projects in multiple appropriations and key reauthorization bills. At strategic points in the legislative process, Keller McIntyre arranged and prepared relevant materials for critical meetings with congressional



offices. Finally, Keller McIntyre arranged for Members of the IL delegation and their staff to visit the Village of Franklin Park in order to gain a first-hand understanding of the critical needs of the Village.

The Village of Franklin Park has secured:

- \$140 million authorization for the Elgin-O'Hare Western Access Project.  
(source: Moving Ahead for Progress in the 21st Century Act, enacted June 2012)
- \$350,000 for a new fire engine.  
(source: 2011 FEMA Assistance to Firefighters Grant Program)
- \$950,000 for widening and improvements of Franklin Avenue.  
(source: FY 2009 Transportation, HUD Appropriations Bill)
- \$1.340 million for the construction of the Grand Avenue Underpass.  
(source: FY 2008 Transportation, HUD Appropriations Bill)
- \$940,000 for a law enforcement strategic technology program.  
(source: FY 2008 Commerce, Justice, Science Appropriations Bill)
- \$1 million for road improvements in Franklin Park, Elmwood Park, Northlake, Oak Park, River Forest, River Grove, and Stone Park.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)
- \$928,000 for the construction of the Grand Avenue Underpass.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)
- \$500,000 for wastewater infrastructure improvements.  
(source: FY 2005 VA, HUD Appropriations Bill)
- \$500,000 for the construction of the Grand Avenue Underpass.  
(source: FY 2005 Transportation Appropriations Bill)
- \$500,000 for wastewater infrastructure improvements.  
(source: FY 2004 VA, HUD Appropriations Bill)
- \$500,000 towards the construction of the Grand Avenue Underpass.  
(source: FY 2004 Transportation Appropriations Bill)

### **Port of Los Angeles, California**

The Port of Los Angeles is a department of the City of Los Angeles and is often referred to as the Los Angeles Harbor Department. The Port is operated and managed under a State Tidelands Trust that grants local municipalities jurisdiction over ports and stipulates that activities must be related to commerce, navigation and fisheries. A five-member Board of Harbor Commissioners is appointed by the Mayor and confirmed by the Los Angeles City Council to provide direction and create policy for the Port.

As a proprietary and self-supporting department, the Port is not funded by taxes. Instead, revenue is derived from fees for shipping services such as dockage, wharfage, pilotage, storage, property rentals, royalties and other Port services. Considered a landlord port, the Port of Los Angeles leases its property to tenants who then, in turn, operate their own facilities.

The Port is proud of its 29 major cargo terminals, including facilities to handle automobiles, containers, dry bulk products and liquid bulk products. Combined, these terminals handle more than 80 million metric revenue tons of cargo representing some \$80 billion. Its six modern container facilities together handle in excess of four million units of cargo containers annually, making the Port one of the top 10 busiest ports in the world.

The Port of Los Angeles retained the Keller McIntyre professionals in May 2002 to help secure \$12 million in the FY 2003 Energy and Water bill for dredging the main harbor channel and help with other issues involving the Congress and the Army Corps of Engineers.

We also assisted the Port to secure Section 11 Language, which enables the Port of Los Angeles to be reimbursed by the Federal government for \$15 million a month for a variety of infrastructure improvements.

- \$12 million for the dredging of Main Harbor Channel.  
(source: FY 2003 Energy and Water Appropriations Bill)
- Section 11 Language, which enables the Port of Los Angeles to be reimbursed by the Federal government for \$15 million a month for a variety of infrastructure improvements.  
(source: FY 2003 Energy and Water Appropriations Bill)

### **Salt Lake County, Utah**

Salt Lake County, Utah is home to more than a million residents. This is approximately one-third of all Utahans. The County provides basic municipal services to about 250,000 people in various unincorporated sections of the county, a de facto "city" that is the largest in Utah.

Keller McIntyre's professionals have twice been retained by Salt Lake County by prevailing in a request for proposal (RFP) process. In 2002, we assisted the County in securing \$1.5 million to upgrade and consolidate the Salt Lake Valley Emergency Communication Center.

Salt Lake County sought Keller McIntyre's help again in 2008 to pursue funds for energy efficient buildings. Salt Lake County requested funding for the purchase and installation of solar panels on county buildings to reduce power costs and lower the county government's carbon footprint. Partial funding was secured for this project. Keller McIntyre is continuing to work with Salt Lake County on this and other priority funding needs for the County.

Keller McIntyre analyzed Salt Lake County's priority needs and worked to develop legislative strategies to support these projects. In addition, Keller McIntyre produced compelling marketing and support materials for the Utah Congressional delegation. Working strategically, Keller McIntyre diversified the County's requests by asking Congress to secure funding for various projects in multiple appropriations and key reauthorization bills. At strategic points in the legislative process, Keller McIntyre arranged and prepared relevant materials for critical meetings with targeted congressional offices. Finally, Keller McIntyre arranged for congressional members of the UT delegation and their staff to visit Salt Lake County in order to gain a first-hand understanding of the critical needs of the County.

Salt Lake County was successful in working with Keller McIntyre to achieve the following funding objectives:

- \$618,475 for energy efficient buildings.  
(source: FY 2009 Energy and Water Appropriations Bill)
- \$1.5 million to upgrade and consolidate the Salt Lake Valley Emergency Communication Center.  
(source: FY 2003 Commerce, Justice, State Appropriations Bill)

In addition, we performed effective policy and advocacy work for Salt Lake County. For example, we worked with the Utah delegation to keep a provision out of the Small Business Tax Bill that would have eliminated or reduced the ability of a local municipality to charge a transient room tax, which would have devastated tourism revenues for both Salt Lake County and the State of Utah.

Keller McIntyre has also served as the County's advocates in an emergency. Following the flooding of Little Cottonwood Creek due to snow melt in June 2010, the County needed help seeking emergency money from the Natural Resources Conservation Service to restore the eroded creek banks and secure the flood plains to remediate damage to nearby homes. We worked with the Utah delegation and relevant agencies to secure funds from the Emergency Watershed Protection Program. NRCS provided initial funding, and reports that they will make further funding a priority.

Keller McIntyre provided policy work for Salt Lake County on New Markets Tax Credits (NMTC) legislation. The NMTC was set to expire at the end of 2010 and federal legislation would have to extend the program for an additional 2 years. The program is vital to the County as it provides tax credits for critically important projects, including solar panel installation and Capitol Theater renovation. Keller McIntyre contacted the U.S. Treasury Department and the congressional champions on the issue to ascertain the status of the pending "extender" legislation. We developed a strategy to push the legislation during Congress's lame duck

session, which included the assistance of the Utah delegation as well as other Congressional members. This issue has continued into the 113th Congress.

### **City of Belton, TX**

The City of Belton, Texas is a growing community of nearly 20,000 citizens and serves as the seat of Bell County. Once a pioneer town along the Chisolm Trail, Belton sits along the I-35 Corridor north of Austin and a short distance from Fort Hood – the largest military installation in the United States. Belton is also home to the largest Fourth of July celebration in Texas.

Belton has sustained an impressive public education system, parks, transportation infrastructure and economic development. As the county seat, however, about 20 percent of property in Belton is not taxable, making it difficult for the City to meet the demands of its growth. Taking the initiative, Belton pursued federal funding for several projects on their own over two consecutive years. Their requests were unsuccessful.

In 2008, Belton began working with Keller McIntyre to evaluate the fundability of long-standing public works projects and other City priorities. Two projects were selected as Belton's Fiscal Year 2010 federal funding requests. Keller McIntyre worked with Belton to fully develop both projects, develop marketing materials and present them to the congressional delegation. Keller McIntyre staff helped educate the congressional delegation on the critical economic development implications of completing a high-priority overpass, and on the public safety improvements that would result from first responder equipment funding.

Keller McIntyre has helped the City of Belton secure:

- \$750,000 for the extension and overpass construction of West Ninth Avenue.  
(source: FY 2011 Transportation, HUD Appropriations Bill)
- \$750,000 for a Road Extension and Overpass Project  
(source: FY2010 Transportation, HUD and Related Agencies Appropriations Bill)
- \$700,000 for First Responder Equipment, Communications and Technology Upgrades  
(source: FY2010 Commerce, Justice, Science Appropriations Bill)

### **Appalachia Service Project**

Founded in 1969, the Appalachia Service Project (ASP) is a nonprofit, faith-based organization that works to improve substandard housing conditions in the most impoverished counties of Kentucky, Tennessee, Virginia, West Virginia, and North Carolina.

In a region riddled with poverty, ASP enters counties that have a significant percentage of families and individuals living below the poverty line. Of the 24 counties ASP served in 2003, the Appalachia Regional Commission classified 20 as “distressed.”

ASP has a significant presence in Kentucky, repairing homes in 10 counties across the state, with a permanent, year-round center in Chavies.

Starting in 2004, ASP retained Keller McIntyre professionals to garner the support of Members of Congress from each of the five states it serves to support funding for expansion of critical home repair (the Summer Home Repair Program) in their respective states. Keller McIntyre continues to work with ASP to develop strategies to maximize the organization's relationship with the Congress and the Administration.

Accomplishments:

- \$500,000 for new home construction.  
(source: Appalachian Regional Commission, FY 2014 pending)
- \$730,500 for critical home repair.  
(source: FY 2010, Dept. of HUD)
- \$460,000 for critical home repair.  
(source: FY 2010, Dept. of HUD)
- \$665,000 for the summer home repair program.  
(source: FY 2009, Dept. of HUD)
- \$790,000 for a year round home repair program.  
(source: FY 2008, Dept. of HUD)
- \$250,000 for construction materials for expansion of the Appalachia Service Project.  
(source: FY 2006, Dept. of HUD)
- \$200,000 for the Appalachia Service Project for its Home Repair Program.  
(source: FY 2006, Dept. of HUD)
- \$250,000 to support the Appalachia Service Project's Summer Home Repair Program.  
(source: FY 2005, Dept. of HUD)

OUR REFERENCES

**A-OPTIC**

147 Sycamore Street, Pikeville, KY 41501  
John E. Rehmeyer, Associate Director of Academic Development  
606-218-5162 / johnrehmeyer@a-optic.org

**Village of Franklin Park, IL**

9500 W. Belmont, Franklin Park, IL 60131  
Mayor Barrett Pedersen, Village President  
847-671-8235 / bpedersen@vofp.com

**Fulton County, IL**

100 Main Street, PO Box 226, Lewistown, IL 61542  
Jim Nelson, County Clerk & Recorder  
309-547-3041, Ext. 117 / jnelson@fultonco.org

**City of Belton, TX**

333 Water Street, P.O. Box 120, Belton, TX 76513  
Sam Listi, City Manager  
254-933-5818 / slisti@beltontexas.gov

**Appalachia Service Project**

4523 Bristol Highway, Johnson City, TN 37601  
Walter Crouch, President/CEO  
423-854-4420 / Walter.Crouch@ASPhome.org

*Please note that we have not included City of Wilmore, Kentucky as a reference because the folks we worked with are no longer there.*

OUR PROPOSED FEE

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We propose a monthly retainer fee of \$6,000 per month (\$72,000 per year), plus expenses.

Our firm works in an extremely cost-conscious manner. Our total work-related expenses (for travel, long-distance telephone calls, preparation of materials, cab fares to the Hill, etc.) will amount to less than 5% of the retainer, for the life of the retainer.

Based on our understanding of your needs, the total annual amount for our engagement would not exceed \$75,600.

ADDENDA

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**ADDITIONAL RELEVANT ACHIEVEMENTS ON BEHALF OF OUR CLIENTS**

Water, Environment, and Related Projects

**Village of Kiryas Joel, NY** - \$5 million to bring a 1.2 million gallon per day (GPD) raw water supply from approved Kiryas-Joel-owned wells in Cornwall, NY.  
(source: Water Resources Development Act of 2007)

**Marion, IN/Indiana Wesleyan University** - \$1.3 million for the City of Marion, Indiana for water infrastructure improvements.  
(source: FY 2005 VA, HUD Appropriations Bill)

**City of Boone, IA** - \$300,000 for trunk sewer replacement.  
(source: FY 2010 Interior Appropriations Bill)

**National Association of Development Organizations** - \$300,000 for environmental training and information dissemination related to total brownfields, air quality standards and water infrastructure.  
(source: FY 2004 VA, HUD Appropriations Bill)

Transportation

**City of Wilmore, KY** - \$3.124 million for a Pedestrian Mall and Streetscape project.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August, 2005)

**Village of Kiryas Joel, NY** - \$2 million for road improvements.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)

**Village of Kiryas Joel, NY** - \$600,000 for sidewalk development and improvements.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)

**Beaver Falls, PA/Geneva College** - \$1.345 million for the streetscape improvements and to construct pedestrian walkways.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August 2005)

**City of Boone, IA** - \$1,000,000 for Snedden Drive.  
(source: FY 2010 Transportation, HUD Appropriations Bill)

**University of Southern Maine** - \$725,000 towards construction of a pedestrian access walkway.  
(source: FY 2004 Transportation Appropriations Bill)

**City of Tamarac, FL** - \$610,000 for the Pine Island Road Overpass.  
(source: HR 1125, Amends the Safe, Accountable, Flexible, Efficient Transportation Equity Act)

**City of Green River, WY** - \$600,000 for the City of Green River for the First Spring Canyon Extension.  
(source: FY 2006 Transportation, Treasury, Housing and Urban Development Appropriations Bill)

#### Economic and Community Development

**Pickaway County, OH/Ohio Christian University** - \$2.5 million to build a business incubator.  
(source: Economic Development Administration Grant, 2013)

**City of Wilmore, KY/Asbury Theological Seminary** - \$3.124 million for a Pedestrian Mall and Streetscape project.  
(source: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, enacted August, 2005)

**Nye County, NV** - \$300,000 for renovation of the Nye County Fairgrounds.  
(source: FY 2006 Transportation, Treasury, and Housing and Urban Development Appropriations Bill)

**Nye County, NV** - \$400,000 for renovation of the Nye County Fairgrounds.  
(source: FY 2005 VA-HUD Appropriations Bill)

**Adelante Development Center** - \$1.5 million for a job training and placement program for individuals with physical and mental disabilities.  
(source: FY 2004 Commerce, Justice, State Appropriations Bill)

**The Doe Fund** - \$1.125 million for funding of Ready, Willing & Able program.  
(source: FY 2006 Commerce, Justice, State Appropriations Bill)

**Futures for Children** - \$1.1 million for the expansion of Native American Youth and Community Education programs.  
(source: FY 2004 Labor, HHS Appropriations Bill)

#### Public Health

**Mineral Community Hospital, MT** - \$10.5 Million Health Care Innovation Challenge (HCIC) Competitive Grant  
(source: Center for Medicare and Medicaid Innovation, HHS)



**Village of Kiryas Joel, NY** - \$146,000 for purchasing of equipment for Kiryas Joel's Women's Health Center.  
(source: FY 2008 Labor, HHS, Education Appropriations Bill)

**Village of Kiryas Joel, NY** - \$500,000 towards construction and equipment for the Village healthcare center.  
(source: FY 2002 Labor, HHS Appropriations Bill)

**Nye County, NV** - \$100,000 for the purchase of a new ambulance.  
(source: FY 2004 Labor, HHS Appropriations Bill)

**Baltimore City Public Schools** - \$300,000 for allied health careers programs  
(source: FY 2010 Financial Services Appropriations Bill)

**Baltimore City Public Schools** - \$691,286 for health career programs.  
(source: FY 2009 Omnibus Appropriations Bill)

**Dallas County Community College District** - \$250,000 for a health careers resource center.  
(source: FY 2011 Labor, HHS, Education Appropriations Bill, pending)

#### Public Safety / Homeland Security

**City of Pleasanton, CA** - \$1.17 million for the East Bay Regional Communications System.  
(source: FY 2009 Commerce, Justice, Science Appropriations Bill)

**City of Pleasanton, CA** - \$540,000 for the East Bay Regional Communications System.  
(source: FY 2008 Transportation, HUD Appropriations Bill)

**The George Washington University** - \$5 million to establish a national first responder training center.  
(source: FY 2003 Commerce, Justice, State Appropriations Bill)

**Operation Respond Institute** - \$2.5 million for the expansion of national first responder emergency services.  
(source: FY 2003 Transportation Appropriation Bill)

**Nye County, NV** - \$1.5 million for emergency and non-emergency communications systems upgrades.  
(source: FY 2006 Energy and Water Appropriations Bill)

**Nye County, NV** - \$500,000 for Sheriff's communication equipment.  
(source: FY 2006 Commerce, Justice, State Appropriations Bill)

**Somerset County, ME** - \$550,000 for technology upgrades.  
(source: FY 2010 Commerce, Justice, Science Appropriations Bill)

**Somerset County, ME** - \$500,000 for an emergency operations center.  
(source: FY 2010 Homeland Security Appropriations Bill)

**Somerset County, ME** - \$350,000 for emergency communications equipment upgrades.  
(source: FY 2011 Commerce, Justice, Science Appropriations Bill)

**City of Sedona, AZ** - \$600,000 for law enforcement technology upgrades.  
(source: FY 2008 Commerce, Justice, Science Appropriations Bill,

## AFFIDAVIT

Comes the Affiant, Thomas C. Keller, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Thomas C. Keller and he/she is the individual submitting the proposal or is the authorized representative of Keller McIntyre & Associates, LLC, the entity submitting the proposal (hereinafter referred to as "Proposer").
2. Proposer will pay all taxes and fees, which are owed to the Lexington-Fayette Urban County Government at the time the proposal is submitted, prior to award of the contract and will maintain a "current" status in regard to those taxes and fees during the life of the contract.
3. Proposer will obtain a Lexington-Fayette Urban County Government business license, if applicable, prior to award of the contract.
4. Proposer has authorized the Division of Central Purchasing to verify the above-mentioned information with the Division of Revenue and to disclose to the Urban County Council that taxes and/or fees are delinquent or that a business license has not been obtained.
5. Proposer has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky within the past five (5) years and the award of a contract to the Proposer will not violate any provision of the campaign finance laws of the Commonwealth.
6. Proposer has not knowingly violated any provision of Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as "Ethics Act."

**Continued on next page**

7. Proposer acknowledges that "knowingly" for purposes of this Affidavit means, with respect to conduct or to circumstances described by a statute or ordinance defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.

Further, Affiant sayeth naught.

TC Keller Thomas C. Keller

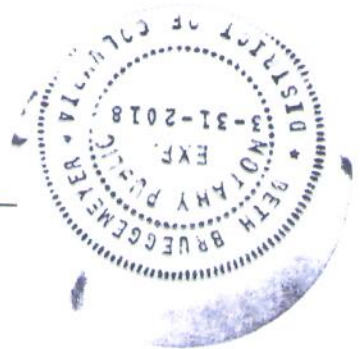
STATE OF DISTRICT of Columbia

COUNTY OF N/A

The foregoing instrument was subscribed, sworn to and acknowledged before me  
by <sup>BB</sup> ~~Beth Brueggemeyer~~ Thomas Christopher Keller on this the 27<sup>th</sup> day  
of February, 2013: 4

My Commission expires: BETH BRUEGGEMEYER  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires March 31, 2018

Beth Brueggemeyer  
NOTARY PUBLIC, STATE AT LARGE



## EQUAL OPPORTUNITY AGREEMENT

### The Law

- Title VII of the Civil Rights Act of 1964 (amended 1972) states that it is unlawful for an employer to discriminate in employment because of race, color, religion, sex, age (40-70 years) or national origin.
- Executive Order No. 11246 on Nondiscrimination under Federal contract prohibits employment discrimination by contractor and sub-contractor doing business with the Federal Government or recipients of Federal funds. This order was later amended by Executive Order No. 11375 to prohibit discrimination on the basis of sex.
- Section 503 of the Rehabilitation Act of 1973 states:

*The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap.*

- Section 2012 of the Vietnam Era Veterans Readjustment Act of 1973 requires Affirmative Action on behalf of disabled veterans and veterans of the Vietnam Era by contractors having Federal contracts.
- Section 206(A) of Executive Order 12086, Consolidation of Contract Compliance Functions for Equal Employment Opportunity, states:

*The Secretary of Labor may investigate the employment practices of any Government contractor or sub-contractor to determine whether or not the contractual provisions specified in Section 202 of this order have been violated.*

\*\*\*\*\*

The Lexington-Fayette Urban County Government practices Equal Opportunity in recruiting, hiring and promoting. It is the Government's intent to affirmatively provide employment opportunities for those individuals who have previously not been allowed to enter into the mainstream of society. Because of its importance to the local Government, this policy carries the full endorsement of the Mayor, Commissioners, Directors and all supervisory personnel. In following this commitment to Equal Employment Opportunity and because the Government is the benefactor of the Federal funds, it is both against the Urban County Government policy and illegal for the Government to let contracts to companies which knowingly or unknowingly practice discrimination in their employment practices. Violation of the above mentioned ordinances may cause a contract to be canceled and the contractors may be declared ineligible for future consideration.

Please sign this statement in the appropriate space acknowledging that you have read and understand the provisions contained herein. Return this document as part of your application packet.

### Bidders

*I/We agree to comply with the Civil Rights Laws listed above that govern employment rights of minorities, women, Vietnam veterans, handicapped and aged persons.*

  
Signature

Keller McIntyre & Associates, LLC  
Name of Business

**WORKFORCE ANALYSIS FORM**

**Name of Organization:** Keller McIntyre & Associates, LLC

**Date:** 02 / 26 / 2014

Categories	Total	White		Latino		Black		Other		Total	
		M	F	M	F	M	F	M	F	M	F
Administrators											
Professionals	5	4				1					
Superintendents											
Supervisors											
Foremen											
Technicians											
Protective Service											
Para-Professionals											
Office/Clerical											
Skilled Craft											
Service/Maintenance											
<b>Total:</b>	5	4				1					

**Prepared by:** Thomas C. Keller, Principal & Co-founder  
**Name & Title**

Firm Submitting Proposal: Keller McIntyre & Associates, LLC

Complete Address: 1156 Fifteenth Street NW, Suite 525, Washington, DC 20005  
Street City Zip

Contact Name: Thomas C. Keller Title: Principal & Co-founder

Telephone Number: 202-841-5283 Fax Number: 202-872-8808

Email address: tkeller@kellermcintyre.com / cc: dzink@kellermcintyre.com

## **GENERAL PROVISIONS**

1. Each Respondent shall comply with all Federal, State & Local regulations concerning this type of service or good.

The Respondent agrees to comply with all statutes, rules, and regulations governing safe and healthful working conditions, including the Occupational Health and Safety Act of 1970, *29 U.S.C. 650 et. seq.*, as amended, and KRS Chapter 338. The Respondent also agrees to notify the LFUCG in writing immediately upon detection of any unsafe and/or unhealthful working conditions at the job site. The Respondent agrees to indemnify, defend and hold the LFUCG harmless from all penalties, fines or other expenses arising out of the alleged violation of said laws.

2. Failure to submit ALL forms and information required in this RFP may be grounds for disqualification.
3. Addenda: All addenda, if any, shall be considered in making the proposal, and such addenda shall be made a part of this RFP. Before submitting a proposal, it is incumbent upon each proposer to be informed as to whether any addenda have been issued, and the failure to cover in the bid any such addenda may result in disqualification of that proposal.
4. Proposal Reservations: LFUCG reserves the right to reject any or all proposals, to award in whole or part, and to waive minor immaterial defects in proposals. LFUCG may consider any alternative proposal that meets its basic needs.
5. Liability: LFUCG is not responsible for any cost incurred by a Respondent in the preparation of proposals.
6. Changes/Alterations: Respondent may change or withdraw a proposal at any time prior to the opening; however, no oral modifications will be allowed. Only letters, or other formal written requests for modifications or corrections of a previously submitted proposal which is addressed in the same manner as the proposal, and received by LFUCG prior to the scheduled closing time for receipt of proposals, will be accepted. The proposal, when opened, will then be corrected in accordance with such written request(s), provided that the written request is contained in a sealed envelope which is plainly marked "modifications of proposal".
7. Clarification of Submittal: LFUCG reserves the right to obtain clarification of any point in a bid or to obtain additional information from a Respondent.
8. Bribery Clause: By his/her signature on the bid, Respondent certifies that no employee of his/hers, any affiliate or Subcontractor, has bribed or attempted to bribe an officer or employee of the LFUCG.



9. Additional Information: While not necessary, the Respondent may include any product brochures, software documentation, sample reports, or other documentation that may assist LFUCG in better understanding and evaluating the Respondent's response. Additional documentation shall not serve as a substitute for other documentation which is required by this RFP to be submitted with the proposal,
10. Ambiguity, Conflict or other Errors in RFP: If a Respondent discovers any ambiguity, conflict, discrepancy, omission or other error in the RFP, it shall immediately notify LFUCG of such error in writing and request modification or clarification of the document if allowable by the LFUCG.
11. Agreement to Bid Terms: In submitting this proposal, the Respondent agrees that it has carefully examined the specifications and all provisions relating to the work to be done attached hereto and made part of this proposal. By acceptance of a Contract under this RFP, proposer states that it understands the meaning, intent and requirements of the RFP and agrees to the same. The successful Respondent shall warrant that it is familiar with and understands all provisions herein and shall warrant that it can comply with them. No additional compensation to Respondent shall be authorized for services or expenses reasonably covered under these provisions that the proposer omits from its Proposal.
12. Cancellation: If the services to be performed hereunder by the Respondent are not performed in an acceptable manner to the LFUCG, the LFUCG may cancel this contract for cause by providing written notice to the proposer, giving at least thirty (30) days notice of the proposed cancellation and the reasons for same. During that time period, the proposer may seek to bring the performance of services hereunder to a level that is acceptable to the LFUCG, and the LFUCG may rescind the cancellation if such action is in its best interest.

#### A. Termination for Cause

- (1) LFUCG may terminate a contract because of the contractor's failure to perform its contractual duties
- (2) If a contractor is determined to be in default, LFUCG shall notify the contractor of the determination in writing, and may include a specified date by which the contractor shall cure the identified deficiencies. LFUCG may proceed with termination if the contractor fails to cure the deficiencies within the specified time.
- (3) A default in performance by a contractor for which a contract may be terminated shall include, but shall not necessarily be limited to:
  - (a) Failure to perform the contract according to its terms,

- conditions and specifications;
- (b) Failure to make delivery within the time specified or according to a delivery schedule fixed by the contract;
  - (c) Late payment or nonpayment of bills for labor, materials, supplies, or equipment furnished in connection with a contract for construction services as evidenced by mechanics' liens filed pursuant to the provisions of KRS Chapter 376, or letters of indebtedness received from creditors by the purchasing agency;
  - (d) Failure to diligently advance the work under a contract for construction services;
  - (e) The filing of a bankruptcy petition by or against the contractor; or
  - (f) Actions that endanger the health, safety or welfare of the LFUCG or its citizens.

#### B. At Will Termination

Notwithstanding the above provisions, the LFUCG may terminate this contract at will in accordance with the law upon providing thirty (30) days written notice of that intent, Payment for services or goods received prior to termination shall be made by the LFUCG provided these goods or services were provided in a manner acceptable to the LFUCG. Payment for those goods and services shall not be unreasonably withheld.

13. **Assignment of Contract:** The contractor shall not assign or subcontract any portion of the Contract without the express written consent of LFUCG. Any purported assignment or subcontract in violation hereof shall be void. It is expressly acknowledged that LFUCG shall never be required or obligated to consent to any request for assignment or subcontract; and further that such refusal to consent can be for any or no reason, fully within the sole discretion of LFUCG.
14. **No Waiver:** No failure or delay by LFUCG in exercising any right, remedy, power or privilege hereunder, nor any single or partial exercise thereof, nor the exercise of any other right, remedy, power or privilege shall operate as a waiver hereof or thereof. No failure or delay by LFUCG in exercising any right, remedy, power or privilege under or in respect of this Contract shall affect the rights, remedies, powers or privileges of LFUCG hereunder or shall operate as a waiver thereof.
15. **Authority to do Business:** The Respondent must be a duly organized and authorized to do business under the laws of Kentucky. Respondent must be in good standing and have full legal capacity to provide the services specified under this Contract. The Respondent must have all necessary right and lawful authority to enter into this Contract for the full term hereof and that proper corporate or other action has been duly taken authorizing the Respondent to enter into this

Contract. The Respondent will provide LFUCG with a copy of a corporate resolution authorizing this action and a letter from an attorney confirming that the proposer is authorized to do business in the State of Kentucky if requested. All proposals must be signed by a duly authorized officer, agent or employee of the Respondent.

16. **Governing Law:** This Contract shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky. In the event of any proceedings regarding this Contract, the Parties agree that the venue shall be the Fayette County Circuit Court or the U.S. District Court for the Eastern District of Kentucky, Lexington Division. All parties expressly consent to personal jurisdiction and venue in such Court for the limited and sole purpose of proceedings relating to this Contract or any rights or obligations arising thereunder. Service of process may be accomplished by following the procedures prescribed by law.
17. **Ability to Meet Obligations:** Respondent affirmatively states that there are no actions, suits or proceedings of any kind pending against Respondent or, to the knowledge of the Respondent, threatened against the Respondent before or by any court, governmental body or agency or other tribunal or authority which would, if adversely determined, have a materially adverse effect on the authority or ability of Respondent to perform its obligations under this Contract, or which question the legality, validity or enforceability hereof or thereof.
18. Contractor understands and agrees that its employees, agents, or subcontractors are not employees of LFUCG for any purpose whatsoever. Contractor is an independent contractor at all times during the performance of the services specified.
19. If any term or provision of this Contract shall be found to be illegal or unenforceable, the remainder of the contract shall remain in full force and such term or provision shall be deemed stricken.



Signature

February 26, 2014

Date