



# *Proposal for Federal Lobbyist Services*

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***City of Fort Lauderdale, Florida***

January 5, 2015

RFP # 455-11519

The contact person for questions related to this document:

**Bill Ferguson**

**Chairman**

The Ferguson Group, LLC  
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**ORIGINAL**

# *Federal Lobbyist Services*

City of Fort Lauderdale, Florida

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BID/PROPOSAL SIGNATURE PAGE

How to submit bids/proposals: Proposals must be submitted by hard copy only. It will be the sole responsibility of the Bidder to ensure that the bid reaches the City of Fort Lauderdale, City Hall, Procurement Services Division, Suite 619, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301, prior to the bid opening date and time listed. Bids/proposals submitted by fax or email will NOT be accepted.

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

Please Note: All fields below must be completed. If the field does not apply to you, please note N/A in that field.

Submitted by: [Signature] (signature) 1/5/15 (date)

Name (printed) William Ferguson Title: Chairman

Company: (Legal Registration) The Ferguson Group, LLC

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit http://www.dos.state.fl.us/ ).

Address: 1130 Connecticut Avenue, NW - Suite 300

City: Washington State: DC Zip: 20036

Telephone No. 202-331-8500 FAX No. 202-331-1598 Email: bferguson@tfgnet.com

Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): ONE

Payment Terms (section 1.04): MONTHLY Total Bid Discount (section 1.05): N/A

Does your firm qualify for MBE or WBE status (section 1.09): MBE NO WBE NO

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

Addendum No. Date Issued

P-CARDS: Will your firm accept the City's Credit Card (VISA / MasterCard) as payment for goods/services?

VISA YES XX NO MasterCard YES XX NO

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. PLEASE STATE ANY VARIANCES OR EXCEPTIONS BELOW. If this section does not apply to your bid, simply mark N/A in the section below.

Variances: There will be a 3% surcharge for all credit card transactions.

**PART VI - PROPOSAL PAGES – COST PROPOSAL**

Cost to the City: Contractor must quote firm, fixed, annual fee, billed monthly, for all services identified in this request for proposal. This firm fixed annual fee includes any costs for travel to the City. No other costs will be accepted. This firm fixed annual rate will be the same for the initial contract period. The fixed annual rate should not include cost associated with providing the additional services indicated within this RFP.

Contractor shall not be reimbursed or otherwise paid for internal word processing, data processing or other services (i.e. local telephone services, copies, mail, or postage services) that would reasonably be deemed the Contractor' overhead expense. Contractor will be reimbursed on a monthly basis at a firm fixed annual fee plus charges per additional service provided during the month, inclusive of all expenses.

**Failure to use the City's COST PROPOSAL Page and provide costs as requested in this RFP, may deem your proposal non-responsive.**

**PLEASE FILL-IN THE TOTAL ANNUAL FIRM FIXED FEE BELOW FOR THE (INITIAL CONTRACT PERIOD – (2) YEARS)**

1. TOTAL ANNUAL FIRM FIXED FEE \$ 80,000 /ANNUALLY x 2 yrs. =\$ 160,000

**PLEASE FILL-IN THE AMOUNT PER ADDITIONAL SERVICE PROVIDED BELOW FOR THE (INITIAL CONTRACT PERIOD – (2) YEARS)**

2. TOTAL FEE PER GRANT REVIEWED \$ 10,000 /GRANT x 4\* GRANTS =\$ 40,000

3. TOTAL FEE PER GRANT WRITTEN \$ 5,000 /GRANT x 4\* GRANTS =\$ 20,000

TOTAL TWO YEAR COST TO THE CITY...(ITEMS 1+2+3).....\$ 220,000

If a Contractor wishes to provide a proposal as a joint venture, Contractor shall provide on this Cost Proposal page a breakdown of their portion of the annual fee and the portion of each joint venture Contractor being submitted. i.e. (ABC Company \$25,000 annual fee and DEF Company \$25,000 annual fee) x 2 yrs. = \$100,000. The total cost of the joint venture, is what will be considered in scoring for the cost criteria. If you do not provide the amount to be paid to each proposer, you may be deemed non-responsive. THE JOINT PROPOSERS MUST ALSO, EACH PROVIDE A BID SIGNATURE PAGE, EXECUTED BY AN OFFICER OF THE COMPANY.

\*Estimated number of grants

**NON-COLLUSION STATEMENT:**

By signing this offer, the vendor/contractor certifies that this offer is made independently and *free* from collusion. Vendor shall disclose below any City of Fort Lauderdale, FL officer or employee, or any relative of any such officer or employee who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement.

Any City of Fort Lauderdale, FL officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

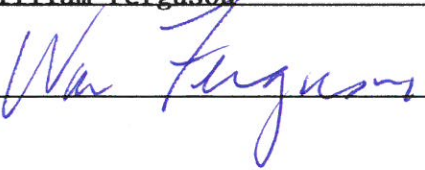
For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

In accordance with City of Fort Lauderdale, FL Policy and Standards Manual, 6.10.8.3,

3.3. City employees may not contract with the City through any corporation or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more).

3.4. Immediate family members (spouse, parents and children) are also prohibited from contracting with the City subject to the same general rules.

**Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.**

<u>NAME</u>	<u>RELATIONSHIPS</u>
<u>William Ferguson</u>	<u>N/A</u>
	

**In the event the vendor does not indicate any names, the City shall interpret this to mean that the vendor has indicated that no such relationships exist.**

## TAB 4 – Company Profile

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### *Firm Profile*

The Ferguson Group, LLC (TFG) is a bipartisan government relations consulting firm. TFG's 21-person team includes professionals who have served as senior staff for Members of Congress and federal, state and local government agencies. Since 1982, TFG has provided advocacy services to over 125 public and private entities in 24 states, including counties and cities, and public works, water and transit agencies. We also advocate on behalf of five national organizations focused on federal issues directly impacting local government: the National Association of Towns and Townships, the Manufacturing Alliance of Communities, the General Aviation Airport Coalition, the Agricultural Floodplain Management Alliance, and the Perfect Storm Coalition.

TFG is headquartered in Washington, D.C., and we maintain offices in Florida and California, states where many of our clients are located. All of our offices are open from 9:00 a.m. to 6:00 p.m. when Congress is in session and from 9:00 a.m. to 5:00 p.m. when Congress is not in session. While these are our regular business hours, lobbyists and staff can be reached at any reasonable time.

The address and contact information for our Washington D.C. and Florida offices, the two offices that will serve the City, are:

The Ferguson Group, L.L.C.  
1130 Connecticut Avenue, N.W., Suite 300  
Washington D.C. 20036  
Phone: (202) 331-8500  
Fax: (202) 331-1598  
Primary contact: [bferguson@tfgnet.com](mailto:bferguson@tfgnet.com)

The Ferguson Group, L.L.C.  
714 Anastasia Avenue  
Coral Gables, Florida 33134  
Phone: (305) 442-0501  
Fax: (305) 442-9566  
Primary contact: [vgelnovatch@tfgnet.com](mailto:vgelnovatch@tfgnet.com)

Website: [www.thefergusongroup.com](http://www.thefergusongroup.com)

TFG is a limited liability company with eight equity partners, eight professional staff members and senior advisors, and five administrative and support personnel. We also have strong working relationships with a network of experts in key issue areas of importance to our clients. TFG is managed by an elected Management Committee of five partners who are listed below. All TFG partners and personnel can be reached at our Washington D.C. office at (202) 331-8500.

Bill Ferguson, Chairman  
Roger Gwinn, President and CEO  
Mark Limbaugh, Managing Partner of Business Practices  
Jennifer Imo, Managing Partner of Client Services  
Kristi More, Managing Partner of Strategic Development

## *Our History*

Established in 1982, TFG is the preeminent provider of federal government relations services to municipalities seeking to advance or protect their interests in Washington's complex legislative and regulatory arenas. Our knowledge of both Congress and the Administration gives our clients a unique strategic advantage to maximize success at the federal level.

Our focus on local government allows us to advocate with great efficiency and effectiveness to which few firms can compare. We leverage our collective knowledge to benefit each client's specific goals and objectives. Our clients learn from each other, mirroring successes and sharing best practices. We specialize in securing federal policy and regulatory changes, competitive grants, appropriations, and authorizations for our clients. Our areas of expertise include transportation, community and economic development, water resources, land use, environmental issues, defense technologies, health and human services, criminal justice, education, and housing.

There are many complex issues that affect communities like Fort Lauderdale. A significant benefit of working with TFG is that our client base is, and has been, local governments for more than 30 years. We work collaboratively with local, state and federal partners to achieve our clients' goals. We understand the inner workings of local governments and thus look at federal legislation and policy through the lens of local government.

Outside of securing competitive grant and other federal programmatic funds, it is often difficult for communities to identify what makes a positive return on their investment in a federal government relations firm. Given the time it takes to get things done in Washington, seeing that return often requires a long-term commitment, as well as a firm that is as familiar with your community as they are with Washington. Through TFG, Fort Lauderdale will have eyes and ears in Washington and South Florida, bringing an immediate return on the City's investment in federal government relations. Your presence in Washington and South Florida with TFG as an extension of your staff will enhance your local staff efficiencies and ultimate effectiveness at the federal level. The City will be well-informed of federal issues that affect you without having to spend the time educating yourselves and following the issues on a day-to-day basis.

Another way to measure positive return on investment is cost avoidance. Many federal legislative and regulatory actions result in unfunded mandates for local governments. TFG works with our clients to ensure Members of Congress and the federal agencies understand the real impact their actions have at the local level. In many cases, that information from the local government community results in a change of legislative or regulatory policy that ultimately saves our clients a significant amount of money.

TFG will work with the City to define measurable benchmarks, goals and expectations. You will see below that TFG clients' Federal Agendas provide a clear road map and a transparent way of tracking activities performed and goals achieved.

## *Our Philosophy*

TFG's customer service philosophy and overall approach to representing clients sets us apart from other firms. We take great pride in our 30 year commitment to local communities. Here are a few factors that distinguish our firm from others.

- ❖ **Commitment to Highly Personalized Service:** You will know your lobbying team well and will always know what we are accomplishing on your behalf and what opportunities exist in Washington that could benefit the City. This highly personal service is a cornerstone of our success and is achieved through ongoing and open communication with you about your priorities and the ever changing political climate in Washington.
- ❖ **Primary Focus is Local Communities:** We advocate on behalf of organizations that serve large public constituencies - local governments, coalitions of local governments, regional/national nonprofit and other public or quasi-public organizations. The collective experience of all our professionals helps us identify opportunities to increase federal funding and to promote legislative and policy changes that can have a significant impact on your constituents.
- ❖ **Innovative Client Services:** Along with individualized reports on legislative and regulatory activities, our clients receive weekly Legislative Updates, Grants Alerts, and special Client Alerts that are distributed on a timely basis. We also manage an interactive blog that posts daily updates on key topics, legislative and regulatory events, and other articles of interest to local governments.





1130 Connecticut Avenue, NW  
Suite 300  
Washington, D.C. 20036  
202.331.8500  
202.331.1598 fax

January 5, 2015

City of Fort Lauderdale  
City Hall  
Procurement Services Division, Suite 619  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Mr. McKenney:

On behalf of The Ferguson Group, LLC (TFG), I am pleased to submit the enclosed proposal to the City of Fort Lauderdale for Federal Legislative Advocacy and Grant Services. Headquartered in Washington D.C., TFG specializes in representing local governments at the federal level. We pride ourselves on our ability to serve public sector clients of all sizes, enabling us to remain among the top independent lobbying firms in Washington.

We believe TFG is best qualified to develop a comprehensive, multifaceted federal advocacy program that helps the City of Fort Lauderdale meet your short-term and long-term goals. Our team is committed to working in partnership with City elected officials and staff in order to help you secure federal funding and obtain federal agency policy decisions that can have a significant financial impact. We will guarantee that the City of Fort Lauderdale delivers the right message to the right people at the right time, ensuring you maximize federal resources while minimizing potential threats to your interests.

Finally, our close connection to Florida cannot be overstated. We have staffed a South Florida office since 2001 that is managed by one of our longest standing partners, Val Gelnovatch, who is also a member of the proposed Fort Lauderdale team. Having worked with clients in the state for over 15 years, we know how to effectively maneuver through the local, regional and state government, while leveraging our longstanding relationships with Members of Congress and key federal agency officials to your advantage. Our Florida presence gives us a unique opportunity to engage in unmatched levels of communication and collaboration with the City of Fort Lauderdale.

We appreciate the opportunity to submit our proposal and stand ready to answer questions or provide additional information at your request.

Sincerely,

William Ferguson, Jr.  
Chairman

## TAB 6 – Statement of Proposed Services

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### *Assessment of Capability and Approach to Scope of Services*

TFG’s approach to determining our Scope of Work for the City is illustrated graphically below and followed by a narrative description. You will see throughout this proposal that we understand and are highly capable of promoting the City’s federal priorities. However, without adequate detail, the proposed Scope of Work is much more general than the City’s final Federal Agenda and action plan will be. Once TFG has an intimate understanding of the City’s goals and priorities, and the facts and nuances surrounding those goals and priorities, we will be able to craft a Federal Agenda and action plan from which progress can be measured and the City’s expectations can be managed. Our history with local governments informs us that understanding the underlying details is what ultimately determines success in working with the federal government.

TFG’s approach to the City’s advocacy strategy is centered on three activity areas: Agenda Development, Advocacy and Communications. Detailed descriptions of each of the tasks and activities covered in these areas are included in the Proposed Work Plan and Timetable section of this proposal. It is important to note that our approach is cyclical, with each activity area relying on the others. We believe this approach allows our clients to adjust and respond to the ever changing environment in Washington, D.C.



## *Proposed Work Plan and Timetable*

Below is a detailed outline of steps TFG would take to accomplish the City's federal goals and objectives. TFG will work with the City to identify a specific course of action based on your final Federal Agenda. Overall, our methodology is to represent our clients in a manner that compels action and positive results, implementing effective strategies to achieve success.

### *❖ Assess Legislative Needs (January – February 2015)*

TFG will meet with elected officials, City staff, and other relevant groups to learn, in-depth, about the City's federal legislative priorities; the projects the City is currently working on – both at the federal level and those local projects that may have a federal nexus on which we could be of assistance; and past, present or future grant opportunities of interest to the City. These meetings provide TFG an opportunity to gain a complete understanding of your local projects and federal priorities.

### *❖ Produce Federal Agenda (February 2015)*

Based on the meetings with City officials and staff, TFG will develop a draft Federal Agenda and action plan for ultimate approval by the City Council. We will assess local needs and recommend projects and issues to be given priority in the coming year, taking advantage of opportunities and potential threats to the City's interests at the federal level. We assist in setting short- and long-term priorities. We will also provide an in-depth analysis of anticipated congressional legislation and put our collective political resources together to give a comprehensive picture of what actions are expected in the House, Senate and the Administration. All of this information is taken into consideration while developing the Federal Agenda and action plan, targeting a particular legislative vehicle, provision, program, or account, and clearly stating the goal to be achieved for each item. Once completed and approved by the City, the Federal Agenda and related action plan will provide a roadmap with clear objectives for the City and TFG. The Federal Agenda is also used as an accountability tool, periodically updated, that the City can use to evaluate TFG's effectiveness a real-time basis.

The adopted Federal Agenda will provide a uniform message that consistently expresses the policy imperatives of the City. This is a direct, transparent way to demonstrate the City's priorities to Members of Congress, the Administration, and other state and local government partners.

The Federal Agenda, however, will not limit the federal issues on which we report and advise. Quite often, issues arise that affect local governments that were not foreseen in the development of the annual federal agenda, but require attention and advocacy to either protect or promote the City's interests. TFG will brief the City on any emerging issues and will move forward with advocacy or other actions with the City's express consent.

### ❖ *Washington D.C. Advocacy Trip (February – March 2015)*

TFG will work with Fort Lauderdale elected officials and designated staff to identify an appropriate time for travel to Washington, D.C. to present the Federal Agenda to your congressional delegation, as well as key committees and federal agencies. These meetings are an effective way of educating federal officials on the City's priorities and engaging them in the process. If your congressional delegation is not aware of (or does not take any ownership of) your local priorities, there is limited opportunity for success at the federal level. TFG will prepare a full itinerary, brief visiting Fort Lauderdale officials and staff regarding the schedule and strategy for each meeting, prepare all materials necessary for productive meetings and presentations, attend all meetings, and provide all appropriate post-trip follow up. We also assist with logistical arrangements to make sure the visit is as convenient and productive as possible.

### ❖ *Advocate for the City's Priorities (Ongoing)*

The City's Federal Agenda and accompanying action plan will focus heavily on advocacy, as well as funding interests. In addition to working closely with the City's congressional delegation, TFG will engage the relevant committee members and staff that have jurisdiction over the City's federal priorities. For example, in order to promote the City's transportation priorities, it is imperative to educate the House and Senate transportation appropriations committees, and the House Transportation and Infrastructure Committee and the three committees of jurisdiction in the Senate – Senate Commerce, Science and Transportation, Environment and Public Works, and Budget – on the City's transportation priorities and position on larger funding issues like the Highway Trust Fund. The prospects of success are much greater when members of key committees and their staff are educated on specific priorities and their impacts on local jurisdictions.

In addition, it is imperative to advocate for the City's priorities to the relevant federal agencies. Under the current earmark moratorium, many of the funding decisions for local projects are made at the federal agency level. Developing relationships with those offices and educating them on your priorities will be key to Fort Lauderdale's future success. TFG staff works with these agencies and has developed productive working relationships with key decision-makers that will undoubtedly benefit the City as you implement your Federal Agenda.

Ongoing meaningful contact between Members of Congress, the Administration, local government officials, and their respective staff is a critical component of a successful federal strategy. Advocacy will not be limited to the City's annual advocacy trip at the beginning of each calendar year. TFG will work with the City to identify the best timing for additional meetings in Washington and in the City, identify important meeting targets, set up meetings, and provide meeting schedules. Like the annual advocacy trip, prior to meetings, we will brief participants on the meeting targets, provide talking points based on the City's goals, and work with the City to develop exhibits for meetings. We also work with meeting targets and staff to ensure they have the pre-meeting support they need to help make meetings successful; as former congressional staffers, we know what congressional and agency offices need to ensure useful meetings and productive outcomes.

Follow-up is essential to success. After the meetings, TFG will develop a list of follow up tasks and ensure that they are completed.

### ❖ *Authorizations and Appropriations (Ongoing)*

TFG has been integrally involved in the annual budget and appropriations process since our inception. One of our primary tasks for our clients is to ensure that their priority federal programs and special projects are adequately funded each year. In previous years, federal funding has flowed largely through formula grant programs, competitive grants and congressional earmarks. However, under the current moratorium on Congressionally-directed spending, or earmarks, federal funds are now distributed through formula and competitive grant programs. TFG works with relevant federal agencies and the Office of Management and Budget to include projects in the annual budget. We also work with Congress to ensure that the appropriations bills include program directives that benefit our clients as programmatic requests move through the appropriations process.

Many projects must first be “authorized” before funding can be appropriated to them. Three significant authorizing measures that fund programs of interest to Fort Lauderdale are the Water Resources Development Act (WRDA), the surface transportation reauthorization law (current law entitled “MAP-21”) and the FAA Reauthorization Act. TFG has been integrally involved in each of these authorizations since 1984.

Our knowledge of these processes will inform our advice to the City on the best course of action to secure federal funding for priority programs and/or special projects – through the Budget, authorizations, appropriations, formula, and/or competitive grants.

### ❖ *Grant Services (Ongoing)*

Under the current earmark moratorium, TFG has greatly expanded our competitive grant capacity, working with our clients to secure approximately a **half billion dollars** in federal grants during the past several years. TFG’s Grants Services include:

- **Customized Portfolio of Grant Opportunities Specific to Your Community** – Any firm can inform you of federal grant opportunities, but few know how to help you save valuable time and resources by directing you only toward those that fulfill a specific local need. TFG works with you to identify the best funding opportunities for your priority projects. The deliverable for this service is a full report of funding options and a recommended action plan that will save you time and improve your award rates.
- **Project Evaluation** – The project evaluation focuses on identifying funding opportunities for your specific projects. TFG will provide a list of funding opportunities along with recommendations about the best approach based on the project.
- **Strategic Advice** – Once a grant opportunity is identified and you decide to move forward, we guide you in positioning the application for success. Central to our success is knowledge of the priorities of the underlying program authorizing legislation, as well as priorities of the grant making agency.

- **Inside Track Relationship Building with Key Agency Officials** – We help put you face-to-face with program officers and decision makers within federal funding agencies. TFG gives our clients a competitive advantage by pitching their projects to agency officials and staff, building relationships with those individuals while gaining valuable insight on agency priorities related to specific grant opportunities.

There are currently over 1,000 grant programs administered by 26 federal agencies providing more than \$400 billion to states and local governments through grants, formula allocations and other payments. TFG will position the City to have the competitive advantage by identifying strategic grant opportunities and coordinating activities to achieve success.

TFG's successful grants program begins with having a dynamic, real-time network to monitor grant solicitations. We created and maintain an internal grants database of key state, federal and foundation grant and loan funding opportunities of importance to local communities. In conjunction with utilizing this database, as well as other grants software for managing grant proposals, TFG client managers will work with Fort Lauderdale to create a comprehensive federal funding vision that includes a strategic framework for identifying and pursuing grant funds. While other applicants struggle to navigate the complex and vast federal grant world, and scramble to assemble eligible projects during short solicitation periods, TFG will provide Fort Lauderdale with an easy-to-follow road map to the federal grant process to help you plan in advance and ensure you have a competitive edge when pursuing federal grant funding.

The familiarity of TFG's professional staff with federal agencies and grant program offices gives us an insider's ability to strategically frame projects in order to fit federal priorities and enhance the competitiveness of grant applications. In addition, since TFG professionals have written successful grant proposals for every major federal agency, we are able to provide assistance to City staff at any level and stage of the grant process.

As part of our grants service, TFG will work closely with Fort Lauderdale to prepare and write four grant applications and provide direct and continuous assistance in the review of four grants prepared by the City during the term of the agreement. Fort Lauderdale will receive TFG's Weekly Grants update, which reviews all federal and foundation grant and formula funding announcements and TFG's Quarterly Grants Outlook Report, which details upcoming grant and funding opportunities. In addition, the Fort Lauderdale team will immediately notify City staff and officials about any grant or funding opportunity that directly relates to your priorities and needs.

Once the City has submitted a grant application, TFG ensures that federal policymakers and bureaucrats alike give the City's projects their fullest consideration. In a time when more local governments are applying for federal grant funding, targeted and strategic advocacy can be the difference between a project that receives funding and one that is highly ranked but unfunded. By helping to coordinate support from the City's congressional delegation, as well as meetings or conference calls with key Administration officials, TFG routinely ushers our clients to success.

TFG's proposed cost to provide grant writing and grant review services to Fort Lauderdale on specific grants is detailed on the Cost Proposal Page of this proposal. We know from tracking hours spent writing federal grants for clients on a regular basis that we can expend in excess of 100 hours writing a complex federal grant, conferring on multiple occasions with the client and seeking clarification from federal agencies on grant requirements. We believe Fort Lauderdale seeks our assistance on the larger and more complex federal grants such as the Assistance to Firefighters grant, DOT TIGER, EPA Brownfields, and other similarly challenging grant opportunities. We can be of best service to Fort Lauderdale with these grants that require advance planning and close coordination in advance of the grant notice of funding availability being released. Our per-grant pricing is based on these assumptions and reflects an average price per grant. Final pricing for each grant may vary depending on the targeted grant, but all additional fees for grant services will remain in the overall cap for the contract period. In addition, we will advise, coach, edit and advocate for other grant applications that Fort Lauderdale pursues above the four grants that TFG would be directly involved in writing.

#### ❖ *Tracking Legislation and Rule Changes (Ongoing)*

TFG's professional team helps our clients develop and implement legislative and policy strategies based on realistic goals and measureable results. Our service to clients is informed by decades of experience working in local and state government, as senior congressional staff on Capitol Hill, and as high-level officials in various federal agencies.

TFG monitors federal legislative and regulatory issues of interest to local governments on a daily basis. We report on movement or the prospect of movement on those issues in a Weekly Legislative Update, then provide more detailed reports and action alerts directly to our clients. When appropriate, we provide talking points for our clients to use when contacting their congressional delegations or other federal decision makers, guiding them as they engage in the federal process. In cases where Congressional testimony or a regulatory response is required, as in the case of the Environmental Protection Agency's and U.S. Army Corps of Engineers' Waters of the U.S. (WOTUS) proposal, we work with staff to prepare appropriate formal responses. We ensure our clients provide the right message to the right person at the right time.

We are actively engaged in policy development, writing legislation, and advocating on behalf of our clients on a daily basis. In addition to tracking legislation, committee action, and agency action (including regularly tracking and commenting on proposed regulatory action published in the Federal Register and agency-specific publications and outlets), we work with legislators, staff, and agency officials and staff to inform federal policy and initiatives. We also regularly monitor national organizations important to our City clients and participate in meetings, briefings and other activities.

#### ❖ *Extension of Staff (Ongoing)*

Upon engaging with a new client, TFG's professional team becomes an extension of our clients' staff, as well as an extension of the congressional staff. It is our experience that this is a natural relationship given that both the City and the delegation share the same constituency. The resulting

relationships, trust and ultimate flow of information allows us to be an effective liaison between Congress and our clients. A significant part of our role is to make everyone's job easier to ensure the greatest benefits for our clients, as well as members of the delegation. Working in this manner, TFG is able to quickly earn the trust and respect of elected officials and their staff.

TFG works closely with our clients to keep them informed of actions and progress relating to the City's Federal Agenda. Clients often have different reporting requirements and TFG will adapt to whatever works best for the City. We will meet at any point, either in person or by telephone, with designated City staff, City Council, City executive level staff, and other interested parties to the City's Federal Agenda and general progress.

#### ❖ *Client Communications (Ongoing)*

TFG will aggressively advocate for issues on the Federal Agenda throughout the year and maintain communication with the City on the progress being made, as well as new opportunities or challenges that should be addressed. We provide information to our clients frequently through emails, timely alerts, blogs, conference calls and written, as well as in-person, reports. The City will continuously have the latest information and our best professional judgment on the issues, working in partnership to help arrive at strategies and actions that reflect the dynamic legislative and political environment.

TFG prides itself on the level of communication we offer our clients and we strive to provide a local government perspective to news coming out of Washington, D.C. Our monthly and annual activity reports will be tailored to the items outlined by the City. Regular updates on key issues and projects will be provided through telephone calls, emails and memoranda. On a weekly basis, the City will receive the *TFG Legislative Update*, *TFG Water and Natural Resources Update* and the *TFG Grants Update*, which cover legislative, public policy and grant updates of interest to the City. We also encourage our clients to subscribe to The Ferguson Group Blog at [www.thefergusongroup.typepad.com](http://www.thefergusongroup.typepad.com), which provides the *TFG Federal Funding and Policy Update*. *Samples of our client communications can be found at the end of this proposal.*

TFG will regularly provide advocacy recommendations on the City's agenda. We make recommendations regarding the timing, format and substance of advocacy on projects, and we will provide draft written material to Fort Lauderdale – such as draft letters, exhibits and talking points – and will provide contact information and follow-up. TFG will also provide action recommendations on issues relevant to cities generally. For example, our clients are often asked to endorse legislation, and we will help the City evaluate these requests in terms of issue substance as well as political considerations.

TFG periodically hosts webinars on a variety of legislative and other relevant issues that are important to our municipal clients. We develop webinars on specific federal funding opportunities in order to help clients understand the parameters of major federal grant programs and navigate the sometimes difficult path to successfully securing grants. Our webinars feature TFG subject-matter experts and also regularly include federal officials and other key experts who provide insight into federal programs and strategies for increasing the competitiveness of client



applications. Webinars are provided at no-cost to TFG clients and all webinars are recorded and made available to clients for viewing at their convenience.

TFG provides clients with annual reports highlighting the work accomplished as part of the Federal Agenda and action plan. That work may include legislative, policy and funding successes, as well as failures in achieving the goals defined by the Federal Agenda. In that report, we will provide recommendations for the following year, basing those recommendations on the political climate, and the will of Congress and the Administration to move on an issue, and any lessons learned from our experience the previous year. We will include any other information the City requests as part of that annual report.

### *TFG’s Fort Lauderdale Team and Staff Qualifications*

TFG’s approach to strategic staffing is to assemble a team of individuals who by education, training and professional experience are best positioned to provide the greatest value to the client. One team member is selected as the client manager and serves as the primary point of contact, oversees distribution of work, and ensures quality work product for the client. TFG’s professional team works closely together and draws from the expertise of other TFG professionals who are not specifically assigned to the client but whose expertise enhances the team’s ability to provide unparalleled service to the client.

The City of Fort Lauderdale team will be managed by TFG Chairman Bill Ferguson. Additional members of the team will include Val Gelnovatch, Jennifer Imo, Karl Kalbacher, and Heidi Schott. The following table outlines the roles and responsibilities of each of the team members.

<b>Team Member</b>	<b>Role</b>
<b>Bill Ferguson</b> Chairman	Bill will serve as the team leader and main point of contact for the City. Bill will assist the City in developing it’s Federal Agenda and play a hands on role in all legislative and administrative issues with particular emphasis on transportation. Bill will also support our grants team as needed.
<b>Val Gelnovatch</b> Partner	Val will work with the City to assist in developing advocacy strategies and funding plans associated with water resources, water infrastructure and FEMA issues.
<b>Jennifer Imo</b> Managing Partner for Client Services	Jennifer will focus on a variety of issues for the City, including aviation policy and funding, public safety, homeland security, and tax.
<b>Karl Kalbacher</b> Director of Environment, Economics and Grants Services	Karl’s work on behalf of the City will focus on economic development, grants, and relevant environmental consulting.
<b>Heidi Schott</b> Public Administration Research Specialist	Heidi will provide support to the Fort Lauderdale team members, including grants and general and targeted research.

Detailed biographies highlighting educational and professional backgrounds as, well as relevant client experience for each proposed team member are included below. In addition to the City's primary team, the City will have access to all members of TFG's advocacy staff. Biographies of all members of the firm can be found on our website at [www.thefergusongroup.com](http://www.thefergusongroup.com).



**William Ferguson, Jr.**  
**Chairman**

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"Ferguson and his firm wrote the book on lobbying for local governments." *The Hill*, *Best in the Business: Hired Guns*

Bill Ferguson founded The Ferguson Group (TFG) in 1982, with specialties in local government, land use, and water resources. Today, the firm is among the top 25 non-law, lobbying firms in Washington and represents more public agencies and public water agencies than any other firm in Washington. Bill represents private sector and local government clients in his specialty areas, including transportation, water and waste water infrastructure, wind energy, economic development, Department of Defense base reuse, and land use.

Bill excels at the underlying strategy that drives successful projects. He developed and implemented a strategy that resulted in congressional approval of \$265 million for several lines of credit that enabled his client to build two phases of a toll road. He also led the lobbying team that established a new, innovative financing provision for the client. The provision enabled the agency to build a third phase of toll road and became the basis for the Transportation Infrastructure Finance and Innovation Act (TIFIA) chapter in TEA-21, which has extended special financing benefits to communities nationwide.

Under Bill's leadership, the company has been in the forefront of base reuse and redevelopment efforts nationwide. In 1985, three years before the current Base Realignment and Closure (BRAC) process was launched, Bill led TFG's representation of a succession of companies, and finally, the City of Novato, California, in the successful reuse of Hamilton Air Force Base, in Marin County. Bill worked to accelerate the cleanup of a previously undisclosed landfill, renegotiate the original sales agreement, and resolve a series of regulatory impediments to the cost-effective reuse of the property. Bill has been instrumental in the recovery of the base closure on Mare Island, California, where he worked with the City's master developer for the past decade on a combination of appropriations, water resource and transportation authorizations, and federal agency aid to convert Mare Island to an active mixed-use community providing jobs, residential, retail and recreational facilities. Each of these successes required substantial interaction with federal agencies and the adoption of numerous pieces of authorization and appropriations legislation.

Bill is a hands-on chairman—one who works tirelessly on behalf of the firm's clients and is uncompromising about customer service and commitment to excellence. He established and maintains the highest ethical standards for the work of TFG.

Bill received a B.A. in History and Political Science from Michigan State University and attended the University of Southern California, Washington Public Affairs Center; Boston University,

Department of Urban Affairs; and Harvard University, Kennedy School of Government. He serves as a Board Member of eCivis; and is on the Board of Stop It Now!, a non-profit dedicated to preventing child sexual abuse.



**Valerie Gelnovatch**  
**Partner – Florida Office**

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Val Gelnovatch is a native Floridian who built TFG's Florida practice and has run the firm's Florida office for 14 years. Her expertise in maneuvering through the federal government has enabled her clients to obtain millions in federal funding and to resolve a wide range of policy issues. With over twenty years of experience working with congressional members and federal agencies, she simplifies the process of working with the federal government. Val works with clients to develop efficient and manageable solutions to their issues, and a clear game plan for achieving success. She will ensure you stay on top of all federal legislation and federal agency activity that could impact your business or community – leaving you with the peace of mind that your organization will never be blind-sided by what is happening in Washington.

Val specializes in working with local governments and the industries that serve them. In the municipal arena she has worked with communities throughout the country, as well as airports, ports and water agencies. In the private sector she has worked with companies seeking to sell to local governments. And, she is experienced in joint projects with land developers and engineering firms partnered in economic development projects with local governments.

As a long-time partner with TFG, she heads the firm's Local Government Practice Group. She is the lead lobbyist for the Florida Association of Counties and regularly interacts with the entire Florida Congressional Delegation.

Val received a B.A. in English Literature from the University of Virginia, and a Masters of Public Administration from the George Washington University School of Business and Public Management. She regularly serves as a speaker on how to simplify and achieve your goals in Washington. She is a former collegiate tennis player, mother of two talented soccer-playing teenagers, and a Parks and Recreation Advisory Board member.



**Jennifer Imo**  
**Managing Partner for Client Services**

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Jennifer Imo, a partner at TFG, represents municipal governments with a focus on community and economic development, transportation, public works, criminal justice, and public safety. In addition, she serves as the Federal Director of the National Association of Towns and Townships, a local government advocacy group that represents the interests of nearly 12,000 towns and townships across the country. In 2011, TFG launched the General Aviation Airport Coalition, a national coalition of general aviation airports, and Jennifer serves as the organization's Executive Director.

Jennifer provides strategic consulting and federal advocacy services for her clients, helping them find innovative ways to address local issues and fund local priority projects. As a result of her successful strategizing and strong relationships with congressional offices, Jennifer's clients have secured more than \$100 million in federal appropriations, authorizations, and grants in the ten years she has been with TFG.

Additionally, Jennifer fosters productive relationships between her clients and various federal agencies. On behalf of the National Association of Towns and Townships, she led an effort to secure bipartisan congressional and administrative support for an initiative that repealed a costly unfunded mandate on state and local governments related to road sign replacement. In addition, she facilitated a working relationship between the Department of Labor's Employment and Training Administration and a local government to develop a program for displaced workers who lost their jobs in furniture and textile plant closings. She also negotiated an agreement between the Federal Transit Administration and a community that enabled city leaders to spend congressionally-appropriated funds immediately instead of having to wait for the lengthy disbursement process, ensuring that an important project was not delayed.

Jennifer lobbies Congress on a variety of legislative issues of interest to local authorities. She works closely with groups like the National League of Cities and the National Association of Counties to affect legislation that touches many aspects of local government. She has spoken at numerous conferences and webinars on a variety of local issues, focusing primarily on helping communities access federal support for local priorities and initiatives.

She earned her B.A. in Political Science and Psychology from the University of North Carolina at Chapel Hill, and her J.D. from Wake Forest University.



***Karl Kalbacher, PG***  
***Director of Environment, Economics, and Grant Services***

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Karl Kalbacher is the Director of Grant Services at The Ferguson Group. He provides strategic direction for the marketing and firm-wide delivery of grant services to clients, including strategic counsel, grant research, grant writing, and grant advocacy assistance.

A nationally recognized brownfields redevelopment expert, Karl has developed and managed environmental and finance programs at both the state and local level that support the redevelopment of contaminated properties and grayfields. He has extensive experience in managing economic development programs and energy conservation sustainability projects, and has a proven track record of securing state and federal grants.

As the Director of Economic Redevelopment for New Castle County, Delaware, Karl served on a multi-governmental team that was awarded two TIGER federal transportation grants totaling over \$12 million for the Newark Train Station that is located on the University of Delaware's 272-acre

Science Technology and Advanced Research (STAR) Campus. These funds and the significant local match will transform this former automotive assembly facility into a science and technology center and a major transportation hub. Already, Bloomenergy has selected the STAR Campus to manufacture their patented natural gas fuel cell electrification modules.

A former elected official, Karl served four terms on the City Council of Newark, Delaware, where he acquired expertise in land use development, annexations, condemnations, re-zonings, capital improvement projects, operating budgets, land acquisition, and approved the creation of the Downtown Newark Partnership, one of five winners of the 2011 Great American Main Street Awards. Karl received his B.A. in Geology from Tulane University and his M.S. in Geology from Stephen F. Austin State University. He also is an Adjunct Professor of Geology at Cecil College in Northeast, MD.



**Heidi Schott, MPA**  
**Public Administration Research Specialist**

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Heidi Schott is part of TFG's Grants Discipline Team, providing guidance on HUD's CDBG, HOME and ESG programs. She has experience working with HUD's eCon Planning Suite, preparing Five Year CPs and Annual Action Plans. Heidi also specializes in research and grants services for public agencies and nonprofit organizations on a wide variety of funding and program operations. She undertakes complex policy and research analysis on housing, public safety, economic and workforce development, education, transportation, and environment and water resources issues. Her activities also include writing and advising on competitive grant opportunities.

Heidi has been successful over the years working on local community priorities nationwide. Her work includes leveraging public and private investments for community development, programs and services; and interfacing with federal agencies to help communities satisfy transportation, housing and environmental regulatory requirements. Her work with nonprofit organizations has involved engaging them in the public policy process, forging partnerships among federal policymakers and building networks of existing and prospective supporters. She champions quality education for underprivileged youth, workforce development, healthy living, and economic stability and development in our nation's urban core.

In addition, Heidi works as a Legislative and Policy Manager for the National Association of Towns and Townships (NATaT). NATaT is dedicated to providing America's smaller communities, towns and townships, and other suburban and rural localities, a strong voice in Washington, D.C. The Association's purpose is to champion fair-share federal funding decisions and to promote legislative and regulatory policies designed to strengthen grassroots local government.

Prior to joining the firm, Heidi served as a Graduate Outreach Consultant for the United States Agency for International Development's Office of Transition Initiatives. Heidi received her B.A. in European History from the University of Victoria and her Master's in Public Administration with a concentration in Public Management and Economic Analysis from George Washington University.

# BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

**VALID OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014**

**DBA:**  
**Business Name:** FERGUSON GROUP LLC THE

**Receipt #:** 327-252671  
**Business Type:** BUSINESS/FINANCIAL/CONSULTANT  
(FEDERAL LOBBYIST)

**Owner Name:** WILLIAM J FERGUSON JR  
**Business Location:** 714 ANASTASIA AVE  
MIAMI DADE COUNTY

**Business Opened:** 12/01/2011  
**State/County/Cert/Reg:**  
**Exemption Code:**

**Business Phone:**

Rooms                      Seats                      Employees                      Machines                      Professionals  
5

For Vending Business Only						
Number of Machines:			Vending Type:			
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
33.00	0.00	0.00	3.30	0.00	0.00	36.30

## THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

**THIS BECOMES A TAX RECEIPT  
WHEN VALIDATED**

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.

**Mailing Address:**

WILLIAM J FERGUSON JR  
1130 CONNECTICUT AVE NW #  
300  
WASHINGTON, DC 20036

Receipt #01A-13-00000473  
Paid 10/22/2013 36.30

**2013 - 2014**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/17/2014

**PRODUCER**  
State Farm Insurance, Mark Spitale - Agent  
11801 Fingerboard RD Suite B  
Monrovia, MD 21770

THIS CERTIFICATE IS ISSUED AS MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.



**INSURED**  
THE FERGUSON GROUP LLC  
SUITE 300  
1130 CONNECTICUT AVE NW  
WASHINGTON DC 20036-3981

**INSURERS AFFORDING COVERAGE**

NAIC #

INSURER A: State Farm Fire and Casualty Company 25143  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
X	X	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Hired Auto <input checked="" type="checkbox"/> Nonowned Auto GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	99-BU-8962-7	4/8/14	4/8/15	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 0
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COM/PO/AGG	\$ 2,000,000
		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
X		<b>EXCESS/UMBRELLA LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000.	99-BU-8978-1	4/8/14	4/8/15	EACH OCCURRENCE	\$ 4,000,000
						AGGREGATE	\$ 4,000,000
							\$
							\$
							\$
X		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	99-M3-2334-9	4/8/14	4/8/15	<input type="checkbox"/> WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER	
						E.L. EACH ACCIDENT	\$ 1,000,000
						E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
						E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
Legislative Lobbyist

**CERTIFICATE HOLDER****CANCELLATION**

Certificate Holder &amp; Additional Insured:

SAMPLE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
Mark Spitale, agent 301-916-5543

ACORD 25 (2001/08)  
132849 03-13-2007

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## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.





# CERTIFICATE OF LIABILITY INSURANCE

FERGU-1 OP ID: UNG

DATE (MM/DD/YYYY)  
04/22/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Owens Insurance Falls Church Don Owens 847 Station St. Herndon, VA 20170 Ronald Unger	CONTACT NAME: <b>Ronald Unger</b> PHONE (A/C, No., Ext): <b>703-241-7847</b> E-MAIL ADDRESS: <b>ronald@griffinowens.com</b>	FAX (A/C, No): <b>703-538-2808</b>
	INSURER(S) AFFORDING COVERAGE <b>INSURER A: Evanston Insurance</b>	
INSURED <b>The Ferguson Group, LLC</b> <b>1130 Connecticut Ave NW #300</b> <b>Washington, DC 20036</b>	NAIC #	
INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		

COVERAGES                      CERTIFICATE NUMBER:                      REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Errors & Omissions			EO-855892	01/01/2014	01/01/2015	Ea Claim 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b>  <div style="text-align: right;"><b>LENNARC</b></div> <div style="font-size: 2em; font-weight: bold; margin-top: 20px;">SAMPLE</div>	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <b>Ronald Unger</b>
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## TAB 9 – Assessment of the City’s Needs

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TFG looked at many of the issues facing the City of Fort Lauderdale as we prepared this proposal. We found them varied and challenging but largely familiar and ones that we believe we can work with the City to bring about strong positive effects. We compared the City’s needs with the issues we believe will be priorities for Congress and the Administration over the next two years and believe opportunity exists for the City to become directly engaged in policy and federal funding work in the following areas:

### *Transportation*

The current highway bill (MAP-21) expires in May 2015, and Congress will be working on a long-term MAP-21 reauthorization. The current law is only two years, and advocates are strongly promoting a six-year measure. The overarching issue that must first be resolved is ensuring an adequate funding source(s) for the bill. However, the resulting reauthorization will also be an opportunity for the City to secure federal funds for your pedestrian amenities (bikeways, sidewalks), and multi-modal connectivity projects (The Wave, the Intermodal Center, the Connecting-the-Blocks plan). Transportation funding is not as flexible as in years past, so the upcoming MAP-21 reauthorization provides us an opportunity to positively change the way local governments can spend federal dollars. We know the City has polled its residents and found that pedestrian amenities are the number one request. To that end, we know how valuable a federal policy change would be that integrated bike lanes and pedestrian access with all federal transportation expenditures and required more than just 1% of DOT funds to go for landscaping. We also know the City has a great need for planning dollars for the 250 projects in your local MPO 2040 plan. MAP-21 gave unprecedented discretion to the states, which proved onerous for communities like Fort Lauderdale because the State of Florida (like many other states), chooses to fund projects that are not in line with the City’s priorities. TFG will work with the City to engage with like-minded communities to better direct federal funds to the local level and enhance funding for your pedestrian and multi-modal projects.

While the TIGER program was funded in the FY 2015 appropriations law, MAP-21 reauthorization will be an opportunity to secure more funds for the popular TIGER program. Additionally, planning projects are not currently funded by TIGER, but TFG will advocate in support of planning funds being included in the next TIGER program, as they have been in prior rounds.

There are significant opportunities for advocating the City’s transportation priorities in the MAP-21 reauthorization process, a few of which are described above. TFG is eager to help the City define and/or refine those priorities to ensure maximum success in the reauthorization process.

### *Homelessness*

Homelessness is a pervasive issue for many of TFG’s clients, but is a particularly sensitive issue in Fort Lauderdale due to your misinterpreted Feeding Ordinance. We appreciate the incredible effort the City is pursuing to reduce the impact of the Feeding Ordinance on both the homeless and

the City. TFG has vast experience successfully helping our clients access funding for homelessness programs. We are also adept at helping our clients educate Members of Congress and the Administration on the unique needs and realities of their local communities. We are ready to help the City on both fronts.

### *Stormwater*

TFG will work with the City to identify the full range of opportunities for federal assistance to assist with the implementation of the City's comprehensive, multi-year Stormwater Master Plan. Federal opportunities for assistance with stormwater infrastructure, green infrastructure (bioswales, stormwater preserves, etc.), recharge wells, and pervious pavement installation, for example, will exist in the coming years within the newly authorized Water Infrastructure Finance and Innovation Act (WIFIA) program, as well as a number of grant programs through Environmental Protection Agency (EPA) and other federal agencies. TFG will help the City utilize these federal resources to help with planning and to address the need for the City's stormwater improvement fund to continue beyond 2018. TFG will also identify gaps in federal assistance and work with the City to develop proposals that can be pursued administratively and/or legislatively to address the City's essential stormwater needs.

### *Sea Level Rise*

By 2060, Florida's coastline municipalities may experience a roughly two-foot sea-level rise, according to calculations by the U.S. Geological Survey. Further, by 2050, most U.S. coastal cities will face the threat of 30 or more days of "nuisance flooding" each year, due to the impacts of sea-level rise, according to a new study from the National Oceanic and Atmospheric Administration. In the near- and long-term there will be numerous opportunities to help Fort Lauderdale mitigate the impacts of sea level rise, including opportunities for federal assistance to vegetate sand dunes and create buffers for extreme storm events, modernize drinking water and wastewater systems, and improve flood protection for high risk areas. With Fort Lauderdale already established as a focal point amongst the Regional Climate Change Compact, we would help position your City to be selected as a pilot project for the newly authorized Water Infrastructure Finance and Innovation Act (WIFIA) program which we expect to be funded in the Fiscal Year 2016 budget request. WIFIA will provide communities like Fort Lauderdale with an opportunity to compete for low-cost, long-term financing for a wide variety of water infrastructure-related needs. Administrative actions will also be of interest to the City. For example, a new Federal Flood Risk Management Standard is currently being developed by an interagency group and the National Security Council to take into account future risks associated with climate change and sea-level rise. The standard would likely be linked with a 1970s-era executive order on floodplain management that pushes federal agencies to consider flood risks in their actions and investments. The government currently keys off a 100-year floodplain, but federal funding for Superstorm Sandy rebuilding efforts required that structures be protected up to a foot above the 100-year flood. Any new standard will be applied nationwide and will impact Fort Lauderdale and its regional partners. We will want to make certain the relevant federal agencies take into consideration any concerns that Fort Lauderdale may have regarding the proposed standard.

## *The City's Sustainability Action Plan*

TFG has noted the substantial effort the City has shown developing a sustainability action plan. We would like to join your Green Team and use our knowledge and resources, and those of the federal government, to assist both from a policy standpoint, as well as with funding. Many of the plan's initiatives are eligible projects for federal and foundation funding. TFG would also help the City inform and educate agencies like the EPA, HUD and DOT of your efforts in order to promote your plan and secure funding for implementation.

### *General Aviation*

TFG has a long history working with our clients' general aviation (GA) airports and several years ago founded the General Aviation Airport Coalition (GAAC) to give those airports a voice in Washington on a policy level. Fort Lauderdale's GA airport is a current member of GAAC. TFG has extensive experience helping our GA airports obtain federal resources from the FAA for local projects, and we can assist the airport with land use issues that have been problematic in the past.

### *FEMA De-obligation*

The Federal Emergency Management Agency (FEMA) executed a "Disallowed Cost Initiative" program in November 2011, which involved taking back approved and awarded funds to disaster-impacted communities throughout the nation. This action is commonly referred to as a FEMA de-obligation. Fort Lauderdale has a large FEMA de-obligation which is currently under appeal. The United States District Court for the Southern District of Florida recently reversed FEMA's de-obligation of \$21 million in recovery funds for the South Florida Water Management District repair of canals and levees impacted during the 2004/05 storm season. The court cited Section 70S(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, titled "Binding Nature of Grant Requirements," which is intended to protect recipients of disaster assistance from retroactive de-obligations. If there is not an appeal, the case is precedent-setting. While it is unclear whether FEMA will apply the ruling nationwide, it is anticipated that FEMA will at least apply the ruling to select cases, such as those currently under appeal – which would benefit Fort Lauderdale. TFG will help the City coordinate its appeal with this precedent-setting case, and position you to recoup your multi-million dollar FEMA de-obligation.

### *Federal Grants*

TFG has a vast number of relationships with key federal agency staff and a successful track record in writing grants, as well as assisting communities with writing grants. We can help your staff, whose time is already taxed, with the very time-consuming process of grant preparation. We have identified many opportunities where the City, working with TFG and our experienced staff, could benefit from federal grant funding to address issues such as law enforcement staff and equipment, transportation infrastructure, economic development, juvenile recidivism, environmental justice, local and regional transit, and homelessness.

## *Other Issues*

TFG can assist the City with your Superfund Site through EPA brownfield grants and EDA resources; with public safety programs; gaining a greater share of the area's UASI funding; preserving and expanding coastal habitat sites and many more.

After our long tenure representing local communities in Washington D.C., TFG has seen the most success come to those clients who invest in the development of a multi-faceted federal advocacy strategy. We are poised to help the City of Fort Lauderdale in the development of this strategy to address the issues outlined above, as well as any of your other federal priorities and projects.

## TAB 10 – Ability to Assign Resources

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The Ferguson Group was founded to provide federal legislative, policy, regulatory, and funding services to municipal governments throughout the country and has provided those services for many years. We have a deep bench of professionals and consultants that can be called on to help local governments resolve most any issue that has a federal nexus and many that do not. There are certainly occasions where we are faced with new issues that we have not dealt with before. We are adept at identifying resources to sort through these issues to secure a successful resolution.

## TAB 11 – Additional Services Available In-House

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TFG is highly capable of writing four grants and reviewing grants for Fort Lauderdale. However, there will be many additional priorities and opportunities for the City. TFG has the capacity and experience to do much more in the area of grants. We have quoted a price that reflects what we believe makes sense for writing fairly robust grants; however, all grants are not equal and some, like TIGER and Brownfields, are much more complex than others. TFG commits to meet its obligation under this proposal to do four grants and four reviews; however, we will keep track of our work and also commit to continue our grant work until all funds are expended. At that point, if the City desires, TFG is interested in expanding our grant writing role either on an additional block of grants or on a per grant basis as desired.

Frequently, the award of grant funds is just the first step and often requires needs to be revisited and adjusted. There are times that the entire project changes and the grant agreement has to be modified. TFG has experience in this post-award process and can be of assistance to the City.

TFG has greatly expanded our scope of services to include consulting and compliance work on our clients' behalf. These services would typically fall outside the normal definition of Washington representation, but there is a significant nexus in our expertise working with local, state and the federal government. Much of this work is being completed in-house through Karl Kalbacher, TFG's Director of Environment, Economics and Grants, but we have also cooperatively subcontracted with subject-matter experts when appropriate. Just in the past year, TFG has provided consulting services to many local governments on a variety of subject matter, including:

- Undertaking a program assessment and providing expert advice to the cities of Petersburg, V.A. and High Point, N.C. on their HUD Lead-Based Paint Hazard Control Grant;
- Providing environmental consulting services to the City of Oak Ridge, T.N. on the U.S. Department of Energy's proposal to construct a Low-Level Nuclear Waste Landfill within the corporate boundaries;
- Completing an in-depth analysis of the Mooresville, N.C. Main Street program and offering concrete proposals to attract new businesses and residents to the target area;
- Leading economic development planning efforts with Sutter County, C.A. Sutter Forward Plan for orderly build-out in conformance with the County General Plan; and
- Preparing a Brownfields inventory report for Peoria County, I.L.

TFG has also worked with our clients to identify additional funding mechanisms for their priority projects. For example, we have drafted Tax Increment Financing and Special Development District ordinances; tax credit ordinances; tax abatement ordinances; utility rate ordinances designed to incentivize private sector investment; and developed debt financing programs such as the American Reinvestment and Recovery Act (ARRA) Recovery Zone Facility and Economic Development Bond programs. This practical local experience, coupled with our skill in securing funding and financing from both State and Federal government programs enables the firm to provide insightful analysis and recommendations on administrative processes and legislative proposals being considered by Congress, or to develop legislation in support of City initiatives.

## TAB 12 – Client References

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### *Client References*

TFG offers the following individuals as references for our work and performance. We invite you to contact any of them to gain a better perspective on our expertise.

- ❖ Mayor Tom Henry  
Alternate: Stephanie Crandall  
*Director of Intergovernmental Affairs*  
City of Fort Wayne  
200 East Berry Street  
Fort Wayne, Indiana 46802  
Phone: (260) 427-2625  
Fax: (260) 427-1115  
Email: [stephanie.crandall@cityoffortwayne.org](mailto:stephanie.crandall@cityoffortwayne.org)

TFG has represented Fort Wayne for several years. We primarily work for the Mayor, the department of Utilities, Public Works, Community Development and Parks and Recreation. We work on a multitude of issues ranging from levee and flood control issues, stormwater, transportation funding and urban farms and markets.

- ❖ Mr. Chad Shoultz  
Deputy City Manager  
City of Palm Bay  
120 Malabar Road  
Palm Bay, FL 32907  
Phone: (321) 952-3411  
Fax: (321) 952-3412

Email: [Chad.Shoultz@palmbayflorida.org](mailto:Chad.Shoultz@palmbayflorida.org)

TFG has represented the City of Palm Bay for 9 years. We have assisted the City with a variety of funding and regulatory issues including transportation, utilities and water infrastructure, public safety, economic development, job creation, parks and recreation and energy efficiency issues. TFG helped the City secure over \$6 million for the Palm Bay Parkway/St. John's Heritage Parkway, as well as federal funding for a scenic byway, a mobile command center and various grants. We also regularly help the City work with the Department of Justice, the Department of Housing and Urban Development, the Economic Development Administration and the Department of Transportation to advance the City's priorities.



❖ Mr. Brian Hiatt  
City Manager  
City of Concord  
26 South Union Street  
Concord, North Carolina 28025  
Phone: (704) 920-5215  
Email: [hiattb@ci.concord.nc.us](mailto:hiattb@ci.concord.nc.us)

TFG has worked with the City of Concord for over 12 years. In that time, the City has secured tens of millions in federal assistance for its priority projects through authorizations, appropriations and competitive grants. The Concord Regional Airport has greatly benefited from TFG's federal advocacy. Most recently, the Federal Aviation Administration pulled federal funding from a project at the last minute. We engaged the City's congressional delegation and contacts at FAA Headquarters to reinstate nearly \$4.5 million in federal funds. This could mean the difference in a low-cost carrier's decision to run operations out of the airport.

## TAB 13 – Experience

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The following examples illustrate five of the many policy and competitive grant funding successes TFG has achieved for clients in the past five years. We believe the list demonstrates the wide diversity of our staff's skills and includes projects and issues that are or may become priorities for the City of Fort Lauderdale. Additional information on our successful experience for our clients can be provided upon request.

### ❖ *Hamilton County, OH – Combined Sewer Overflow and Stormwater Issues*

TFG has worked with Hamilton County, Ohio in communicating with the EPA regarding the use of their available regulatory flexibility in advocating for the adoption of alternative treatment technologies in dealing with CSO and Wet Weather Improvement Program (WWIP) issues. We worked with the County and the Metropolitan Sewer District of Greater Cincinnati in educating their congressional delegation and the EPA on why they should be allowed include an extensive “green infrastructure” program in their WWIP as an alternative to more expensive “grey” build approaches to CSO reductions. As a result, the County and MSDGC were successful in obtaining the option of developing a “green infrastructure” alternative to grey-build requirements, the details of which are due for EPA consideration next year under the consent decree. We now continue to work with the County and MSDGC in furthering their bid with the EPA, consistent with their consent decree, to replace a portion of grey-build requirements in the consent decree with a more cost effective, adaptively managed “green infrastructure” plan.

Additionally, in coordination with Hamilton County, Ohio, and several other CSO communities in the Midwest, TFG has been involved with the National Association of Clean Water Agencies (NACWA) legislative initiative. This initiative will provide sufficient congressional authority to the EPA under the Clean Water Act (CWA) in working with CSO/SSO-impacted communities and water districts in allowing for long-term commitments from EPA for “green infrastructure” applications that can be managed to inform and reduce the sizing of grey-build stormwater control structures in reducing and eliminating CSO/SSO issues. We have also been working with the Congress and EPA in advocating for a process for reconsideration of older consent decrees where “green” approaches were not considered. While EPA may not have the specific authority to address regulatory certainty under certain conditions in allowing alternative approaches to replace grey-build, the agency does have some flexibility in allowing for “green” approaches to be utilized gathering additional data, including cost and effectiveness analyses, and to use adaptive management approaches that will inform future decisions for grey-build sizing and design.

In response to these efforts, EPA recently announced plans to integrate stormwater/wastewater permitting and provide flexibilities for CSO wet weather infrastructure investments. The EPA intends on gathering additional information on how they can better promote “green infrastructure”, ensure “practical and affordable remedies to CSO violations”, and identify additional approaches with “accountability” to ensure that communities can see “noticeable improvements to their water quality and reduced risks to human health through prioritizing infrastructure investments”. TFG has helped our clients advocate a position that EPA has adopted

that should provide as much flexibility as possible to more effectively deal with these pervasive issues in a more holistic manner.

While these efforts are themselves considered long-term approaches to solving CSO/SSO solutions under the CWA for struggling communities across the Midwest, TFG has the knowledge and experience to represent MWRDGC in these and similar broad federal policy and legislative initiatives.

### ❖ *El Paso County, CO – TIGER Funding*

TFG helped El Paso County, CO, secure a \$1.2 million grant in the most recent TIGER round. TFG professionals led by Bill Ferguson and Heidi Schott, worked with the County from the project's inception to application submission to craft a winning application with significant political support. This award will fund pre-construction activities for reconstruction of Charter Oak Ranch Road and Santa Fe Avenue leading to Gate 19 at the Fort Carson Army Post located in El Paso County, CO. To accommodate Fort Carson's ongoing expansion, El Paso County is working with the Army to reopen Gate 19 to provide alternate access to the base's military training infrastructure. The roads leading to Gate 19 are in substandard condition and are unable to support expected traffic resulting from the reopened gate. The project will develop conceptual design and preliminary engineering for rehabilitation of Charter Oak Ranch Road and Santa Fe Avenue.

### ❖ *City of Palm Bay, FL – Law Enforcement Funding*

TFG has helped the City of Palm Bay with a multitude of local law enforcement projects. The City of Palm Bay Police Department has developed many innovative solutions to crime-prevention and crime solving issues over the years, and TFG has aided the City in its effort to continue to support and fund the department at the levels needed to protect the community. When TFG first began working with the City the Police Department had to use a 1977 Winnebago Recreation mobile home, which they had converted into a mobile command post. This vehicle was often inoperable, prone to breakdowns due to its age, and had unreliable communication equipment. The City needed a modern, self-contained mobile command center vehicle outfitted with the modern technology needed to provide on-site command, control and coordination at incidents following the guide of the Incident Command System/National Incident Management System (NIMS) Concepts and Principles during Emergency Management/Critical Incident response and recovery efforts. The mobile command center would be used as headquarters during critical incidents for on-scene investigations and provide various agencies the necessary resources required to respond and complete missions. With TFG's strategic advocacy, the City acquired the \$600,000 it needed to purchase a brand new mobile command center – a source of pride and additional safety for the entire community.

TFG has also helped the City's Fire and Police departments meet with key Department of Justice COPS, and FEMA Assistance to Fire Grant personnel in Washington to help the City successfully put forward federal grant applications for additional police, retention of firefighters, equipment and the development of a state-of-the-art Regional Emergency Services Domestic Preparedness Training Center. This facility is used by local, state and federal law enforcement officials to train

their officers on everything from sniper-length shooting ranges to burn houses. TFG has taken City staff and elected officials in to meet with key federal agency staff so many times that strong relationships have been formed. Evidence of the strength of the relationships was recently seen when the Department of Justice COPS program came to the City to hold a special Grants Workshop on site in the City of Palm Bay to share best practices for local law enforcement agencies throughout the region who were preparing to apply for the next round of COPS grant funding.

### ❖ *Fort Wayne, IN – Corps of Engineers Levee Vegetation Issues*

The City of Fort Wayne, IN was directed by the U.S. Army Corps of Engineers (USACE) to remove all vegetation from eleven miles of levees bounding three rivers in the heart of the City. In the event the City failed to do so, the City would forfeit its rights to have the USACE participate in the funding of future levee repairs due to flooding. The direction from the USACE came in the wake of the Katrina disaster and was applied countrywide without consideration of local distinctions. The estimated cost of the de-vegetation was estimated to be approximately \$25 million, not including replacement of habitat for an endangered Indiana Bat. Because the vegetation was designed into the levee by the USACE to act as the main stabilizing element, the cost of removing the vegetation essentially meant rebuilding the entire levee.

Initial discussions with the USACE were unsuccessful and they refused to agree to modify their directive. During the reauthorization of Water Resources Development Act, TFG worked with a small number of jurisdictions to include language that requires the USACE to consult with local and state jurisdictions and come up with guidelines that take into account regional variances, and such issues such as threatened or endangered species and financial burdens on local jurisdictions. In the final moments of consideration, TFG was able to get an amendment on the floor of the House of Representatives that prohibited the USACE from moving forward with any actions until they had finalized their national guidelines. TFG is currently engaged in working with the USACE to ensure that the guidelines reflect the needs of Fort Wayne.

### ❖ *City of High Point, NC – Brownfield Assessment Funding*

The City of High Point, NC, recently received a \$400,000 Community-Wide Brownfield Assessment grant to assess sites in its Core City area believed to be contaminated by hazardous substances and petroleum. The Core City area was once the community's industrial base, and the City is committed to economic development and community revitalization in this area. However, these efforts have been hindered by the large number of brownfield properties throughout the area. By enabling the City to inventory, characterize and plan the reuse of these sites, the EPA Brownfield Assessment funding serves as a catalyst to revitalize the Core City and bring jobs and private investment into High Point.

This was the City's fifth attempt at accessing these federal funds. TFG took a leadership role in developing and drafting this last application, and the EPA informed the City that its application was the top-rated application in the country.

## TAB 14 – Relationship, Resources and Capabilities

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TFG is well attuned to the many factors impacting congressional and agency decisions, and we know the value of being able to work collaboratively and across party lines. Through representation of the Florida Association of Counties, TFG actively works with all members of Florida's congressional delegation and the Florida Governor's office. As the nation's 3<sup>rd</sup> largest state, Florida's congressional members hold key positions on all of the congressional committees, and TFG is able to use our relationships with Florida's powerful legislators to the benefit of our clients. TFG also has long-standing relationships with the Metropolitan Planning Organization that controls transportation funding within your county.

As a result of our 30 years of doing business in Washington and our work in 36 states nationwide, TFG also has strong relationships with the Administration, congressional leadership, key congressional committee staff, and federal agency officials. Our relationships with key congressional committees with jurisdiction over transportation and water issues include the members of Congress and congressional staff on the House and Senate Appropriations Subcommittees for Energy and Water Development; the House Transportation and Infrastructure Committee; the Senate Environment and Public Works Committee; the Senate Energy and Natural Resources Committee, the House Natural Resources Committee, the Senate Banking, Housing, and Urban Affairs Committee; and the Senate Commerce, Science and Transportation Committee. Our relationships in federal departments and agencies include, but are not limited to, senior agency officials within the Executive Office of the President, the U.S. Army Corps of Engineers, the Department of the Interior, the U.S. Department of Agriculture, the Department of Energy, the Environmental Protection Agency, and FEMA. We also work collaboratively with an extensive network of trade associations, advocacy groups and policy experts including the National League of Cities, the U.S. Conference of Mayors and the International City and County Managers Association. Through these contacts we remain actively involved in the development of policy, legislation and regulations, as well as the preparation and adoption of the federal budget, annual appropriations bills and competitive grant applications. These relationships have proven beneficial to our clients and their federal agendas. By leveraging our existing contacts, we will certainly enhance the City's relationships, which will be an integral factor in your success at the federal level.

Building on existing relationships with Fort Lauderdale's congressional delegation, TFG would work to deepen the City's relationships with this broader Washington audience. We want to help Fort Lauderdale raise its profile as a national leader on municipal issues. TFG professionals are among the industry's best in helping to secure positive media and stakeholder attention for critical public sector issues. We know how to package an issue, secure stakeholders, and engage the media (national and local), all in order to frame policy discussions in ways that meet our clients' objectives. Our strong relationships with organizations and contacts can be married to the City's needs. TFG will work with Fort Lauderdale to choose an issue that could change the national discussion around a major issue, such as sustainable transportation and water management practices. To raise the City's profile, we would secure opportunities to present and promote them at think tank and roundtable discussions in Washington. TFG professionals frequently host and

attend briefings and meetings with other lobbyists, national organizations, and think tanks on issues relevant to urban communities, and we could also create opportunities for City staff to be featured speakers at those events. We would work creatively and collaboratively to raise the City's profile and more firmly establish the City's elected officials as national thought leaders. This is an ongoing process and as opportunities arise (congressional hearings, special Presidential Commissions, Committees, association panels, think tank working groups, etc), we would ensure City officials actively participate in them.

LOCAL BUSINESS PREFERENCE CERTIFICATION STATEMENT

The Business identified below certifies that it qualifies for the local BUSINESS preference classification as indicated herein, and further certifies and agrees that it will re-affirm its local preference classification annually no later than thirty (30) calendar days prior to the anniversary of the date of a contract awarded pursuant to this ITB. Violation of the foregoing provision may result in contract termination.

(1) N/A Business Name is a Class A Business as defined in City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. A copy of the City of Fort Lauderdale current year Business Tax Receipt and a complete list of full-time employees and evidence of their addresses shall be provided within 10 calendar days of a formal request by the City.

(2) N/A Business Name is a Class B Business as defined in the City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. A copy of the Business Tax Receipt or a complete list of full-time employees and evidence of their addresses shall be provided within 10 calendar days of a formal request by the City.

(3) N/A Business Name is a Class C Business as defined in the City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. A copy of the Broward County Business Tax Receipt shall be provided within 10 calendar days of a formal request by the City.

(4) N/A Business Name requests a Conditional Class A classification as defined in the City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. Written certification of intent shall be provided within 10 calendar days of a formal request by the City.

(5) N/A Business Name requests a Conditional Class B classification as defined in the City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. Written certification of intent shall be provided within 10 calendar days of a formal request by the City.

(6) N/A Business Name is considered a Class D Business as defined in the City of Fort Lauderdale Ordinance No. C-12-04, Sec.2-199.2. and does not qualify for Local Preference consideration.

BIDDER'S COMPANY: The Ferguson Group, LLC

AUTHORIZED COMPANY PERSON: William Ferguson NAME

SIGNATURE: [Handwritten Signature] DATE: 1/5/15

## TAB 16 – Additional Attachments

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- ❖ *TFG Weekly Legislative Update*
- ❖ *TFG Weekly Grants Update*
- ❖ *Waters of the U.S. Briefing Sheet*
- ❖ *National Flood Insurance Program Legislative Review*



## Congressional Outlook

### Week of January 5th

HAPPY NEW YEAR!!!

The 114th Congress will convene tomorrow, January 6th, with Republicans taking charge of the Senate (54 Republicans, 44 Democrats and 2 independents caucusing with the Democrats), and running the House with an expanded majority (246 Republicans, 188 Democrats).

The House will vote tomorrow on the formal re-election of John Boehner (R-OH) as speaker and other opening session ceremonies. Though no formal schedule has been released, it is expected that the first legislation to reach the House floor this week are bills to approve the Keystone XL pipeline and to modify the Affordable Care Act (ACA). The ACA bill would change the definition of full-time employment to 40 hours a week from 30 in the current law. An earlier version, H.R. 2575 in the 113th Congress, was passed in April with 18 Democrats among those voting for it.

The Senate's week will be heavy on ceremony, with no votes scheduled. The Senate Energy and Natural Resources Committee has scheduled a hearing Wednesday and a markup Thursday on a draft bill to approve the Keystone XL pipeline. Senate Majority Leader Mitch McConnell (R-KY) has said that the Keystone vote will be the first vote on the Senate floor next week.

## Week in Review

### Obama's Plans to Legislate: Regulate

The Obama Administration is planning on another active year of executive action, releasing new rules and enforcing others for the first time - setting tougher standards on everything from air pollution to overtime pay to net neutrality, food safety, commercial drones, a college ratings plan and a crackdown on for-profit colleges that don't prepare their students for well-paying jobs. The rules and regulations will set up more confrontation with a newly unified Republican Congress, which will use all of the tools at its disposal to try to stop individual policies. For more detail on expected rules and regulations, [click here](#).

For more information, please contact Jennifer Imo at [jimo@tfgnet.com](mailto:jimo@tfgnet.com).

### Senator to Introduce \$1 Trillion Infrastructure Bill

Senator Bernie Sanders (I-VT) announced last weekend his plans to introduce a bill authorizing a \$1 trillion, multi-year program to rebuild roads and bridges. "There are a number of Republicans who understand that it is vitally important that we rebuild our crumbling infrastructure," the incoming Budget Committee ranking member said in a statement over the weekend. Sanders' office did not release further details about the legislation or how it would be funded, but infrastructure could become a key talking point for the Vermont lawmaker as he considers a possible 2016 presidential run.

For more information, please contact Jennifer Imo at [jimo@tfgnet.com](mailto:jimo@tfgnet.com).

## Shuster Says No Gas Tax Hike or User Fees to Pay for Transportation Reauthorization

Congressman Bill Shuster (R-PA), Chairman of the House Transportation Committee said passing a bill to pay for America's aging roads and bridges will be a top priority in 2015. However, he ruled out using a gas tax hike or motorist user fees. Shuster has previously said a fee based on vehicle miles traveled should be considered, rather than increasing the gas tax. Yet, with the current GOP-controlled Congress, Shuster acknowledges that both proposals are unworkable. Instead, Chairman Shuster said a highway bill may be paid by repatriating offshore corporate taxes or from oil exploration and production off shore and on federal lands.

For more information, please contact Jennifer Imo at [jimo@tfgnet.com](mailto:jimo@tfgnet.com).

## Coming Soon: FEMA's SAFER and Fire Protection and Safety Grant Opportunities

FEMA has announced the dates it will open solicitations for its Staffing for Adequate Fire and Emergency Response (SAFER) and Fire Protection and Safety (FP&S) Grants. SAFER will open February 9th, with a deadline of March 6th, and FP&S will open March 16th, with a deadline of April 17th.

To help you prepare, see the last round's funding opportunity announcements below:

[2014 Staffing for Adequate Fire and Emergency Response Funding Opportunity Announcement](#)  
[2014 Fire Prevention and Safety Funding Opportunity Announcement](#)

For more information, please contact Jennifer Imo at [jimo@tfgnet.com](mailto:jimo@tfgnet.com).

## Senate Democrats to Offer Amendments to Keystone Pipeline Bill

As Democrats in the Senate step into their new role as minority party in the Senate, Senators Chuck Schumer (D-NY) and Debbie Stabenow (D-MI) plan to organize Democrats to offer five amendments to the bill to approve the Keystone XL Pipeline. The amendments include text that has been offered by Senators Ed Markey (D-MA), Ron Wyden (D-OR), and Bernie Sanders (I-VT), and would:

- Prohibit the export of oil transported through the Keystone XL Pipeline
- Require that iron, steel, and manufactured goods used in the construction, connection, operation, and maintenance of the pipeline be produced domestically
- Require that for every job created by the pipeline, at least one job is created through clean energy investments, including a home solar unit rebate program
- Increase funding to the Low Income Home Energy Assistance Program and give priority to seniors and veterans
- Prohibit states from invoking eminent domain on behalf of a foreign corporation (The legality of the pipeline's route through Nebraska is being challenged in the Nebraska Supreme Court on the grounds of an eminent domain case)
- Raise royalty rates for offshore and onshore drilling and mining on federal lands

The amendments will likely be brought up on Thursday during the Senate Energy and Natural Resources Committee's markup of the bill. [Read more...](#)

For more information, please contact Edward Olivares at [eolivares@tfgnet.com](mailto:eolivares@tfgnet.com).

Congressional Schedule

### Wednesday, January 7

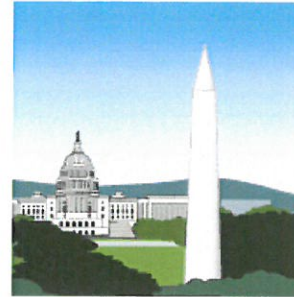
- Senate Energy and Natural Resources Full Committee hearing to examine an original bill to approve the Keystone XL pipeline.

### Thursday, January 8

- Senate Energy and Natural Resources Full Committee business meeting on Keystone XL legislation.

### Highlights from the TFG Blog

- Wednesday News Roundup
- Wednesday News Roundup
- Check Out This Year's Bus and Bus Facilities Grant Winners



[Click Here to Follow The TFG Blog!](#)

# TFG Grants Update

## December 19, 2014



### Grants by Agency

[Department of Agriculture](#)  
[Department of Interior](#)  
[Independent Agencies and Government Corporations](#)

### Recent Headlines from the TFG Blog

- [Wednesday News Roundup](#)

[Get updates on issues in real time - Follow the TFG Blog!](#)

*The TFG Grants Update highlights all federal grants of interest to local government that have been announced in the current week. For additional information about any grants you see in this email, please contact your client manager, or Karl Kalbacher, P.G., Director of Environment, Economics & Grant Services, [via email](#) or at (202) 331-8500*

**The Ferguson Group**  
1130 Connecticut Avenue  
Suite 300  
Washington, DC 20036  
202-331-8500


## New Grant Opportunities Announced


### Department of Agriculture

**FY15 Community Connect** - The purpose of this program is to support the deployment of broadband service to extremely rural and lower-income communities on a community-oriented connectivity basis, while stimulating economic development and opportunities in rural areas by generating practical and everyday uses and applications for broadband services. Broadband services should be provided in a manner that will facilitate improvements to educational, health care, and public safety services. Eligible applicants include State and local governments, Native American Tribes, private sector organizations and non-profit organizations. Applications must be submitted by February 17, 2015. [Click here](#) for more information.

### Department of Interior

**FY15 Desalination and Water Purification Research and Development Program (DWPR) Pilot Projects** - The purpose of this program is to support projects that address a broad range of desalting and water purification needs. This program intends to reduce the costs and environmental impacts of treating impaired and unusable waters. Supported research must have widespread benefits, national significance, and be classified as research where private-sector entities are not able to make the full investment and assume all the risks. Eligible applicants include State and local governments, Native American Tribes, academic institutions, private sector organizations and non-profit organizations. Applications must be submitted by February 16, 2015. [Click here](#) for additional information.

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## Independent Agencies and Government Corporations

***FY16 NEA Challenge America*** - The purpose of this program to support the extension of arts opportunities to underserved populations, including those that have limited access to the arts because of geography, ethnicity, economics, or disability. Funding is available for professional arts programming, and for projects that emphasize the potential of the arts in community development. Eligible applicants include State and local governments, Native American Tribes, Local education agencies, school districts and non-profit organizations. Applications must be submitted by April 16, 2015. [Click here](#) for additional information.

*April 23, 2014*

## Clean Water Act – Proposed Rule on “Waters of the United States”

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On April 21, 2014, the U.S. Environmental Protection Agency (EPA) and the Corps of Engineers (Corps) published in the Federal Register for public comment a proposed rule defining the scope of waters protected under the Clean Water Act (CWA), in light of the U.S. Supreme Court cases in *U.S. v. Riverside Bayview*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, and *Rapanos v. United States (Rapanos)*, according to information provided from the Corps web site. The effect of the SWANCC decision is primarily on so-called “isolated” (other) waters. These waters do not meet the agencies’ definition of “adjacent” and often include vernal pools, prairie potholes and playa lakes that lie entirely within a single state and lack a direct, surface water connection to the river network. The agencies assert that in practice, the effect of the Rapanos decision has been primarily on some small streams, rivers that flow for part of the year, and nearby wetlands. The agencies have stated in the proposed rule that it has been developed to enhance protection for the nation’s public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope of “waters of the United States” protected under the CWA as a result of the SWANCC and Rapanos decisions. The agencies expect that the outcome of the proposed rule will be an approximate 3 percent increase in assertion of jurisdiction.

The agencies define “waters of the United States” in section (a) of the proposed rule to mean: traditional navigable waters; interstate waters, including interstate wetlands; the territorial seas; impoundments of traditional navigable waters, interstate waters, including interstate wetlands, the territorial seas, and tributaries, as defined, of such waters; tributaries, as defined, of traditional navigable waters, interstate waters, or the territorial seas; and adjacent waters, including adjacent wetlands. Waters in these categories would be jurisdictional “waters of the United States” by rule – no additional analysis would be required. The agencies emphasize that the categorical finding of jurisdiction for tributaries and adjacent waters was not based on the mere connection of a water body to downstream waters, but rather a determination that the nexus, alone or in combination with similarly situated waters in the region, is significant based on data, science, the CWA, and case law.

The agencies propose that “other waters” (those not fitting in any of the above categories) could be determined to be “waters of the United States” through a case-specific showing that, either alone or in combination with similarly situated “other waters” in the region, they have a “significant nexus” to a traditional navigable water, interstate water, or the territorial seas. The

proposed rule also offers a definition of significant nexus and explains how similarly situated “other waters” in the region should be identified.

The agencies propose to exclude specified waters from the definition of “waters of the United States” in section (b) of the rule. The agencies propose no change to the exclusion for waste treatment systems designed consistent with the requirements of the CWA, no change to the exclusion for prior converted cropland, and no change to the regulatory status of water transfers. The agencies propose, for the first time, to exclude by regulation certain waters and features over which the agencies have generally not asserted CWA jurisdiction. Codifying these longstanding practices supports the agencies’ goals of providing greater clarity, certainty, and predictability for the regulated public. Waters and features that are determined to be excluded under section (b) of the proposed rule will not be “recaptured” as jurisdictional waters under any of the categories in the proposed rule under section (a).

The agencies’ decision on how best to address jurisdiction over “other waters” in the final rule will be informed by the final version of the EPA’s Office of Research and Development synthesis of published peer-reviewed scientific literature discussing the nature of connectivity and effects of streams and wetlands on downstream waters (U.S. Environmental Protection Agency, Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, (Washington, D.C.: U.S. Environmental Protection Agency, 2013)) (“Report”) and other available scientific information.

The CWA programs that are affected by the definition of “waters of the U.S.,” along with the government entities that are responsible for administering the program are the following:

- Oil spill prevention programs (section 311);
- Permits for pollutant discharges (section 402);
- Permits for the placement of dredged or fill material in waters of the United States, including wetlands (section 404);
- State standards for meeting water quality goals and plans to restore polluted waters (section 303);
- State roles in certifying federal permits are in compliance with state water quality standards (section 401).

## Analysis

The rule proposal by the EPA and the Corps seeks to clarify which waters or wetlands would trigger federal requirements, such as permitting and state water quality certification. Seasonal and rain-dependent streams — and wetlands near rivers and streams — would be covered; others would be considered on a case-by-case basis to determine if they play a significant role in the quality of downstream waters.

At issue is the federal CWA, which gives the EPA authority to regulate U.S. waters. Two Supreme Court decisions in 2001 and 2006 limited regulators’ reach but left unclear the scope of authority over small waterways that might flow intermittently. Landowners and developers

say the government has gone too far in regulating isolated ponds or marshes with no direct connection to navigable waterways.

EPA's concerns are that since the court rulings approximately 20 million acres of wetlands have cumulatively lost protections under the CWA. The U.S. Fish and Wildlife Service found the rate of wetland loss accelerated by 140 percent between 2004 and 2009, after the Supreme Court rulings. This lack of protection particularly affected isolated wetlands such as prairie potholes and ephemeral or intermittent streams.

According to EPA, exemptions already granted for farming activities would continue and 53 agricultural conservation practices would be added to the list.

Under the proposed rule, protections for most seasonal and rain-dependent streams and wetlands near rivers and streams will be reinstated. For example, most tributary streams in the southwestern U.S. do not flow year-round and have been under uncertain jurisdiction. The proposed rule would clearly cover these waters. Wetlands such as the prairie potholes in the upper Midwest, which have a more uncertain connection to downstream waters, will need to be evaluated on a case-by-case basis. The EPA and Corps are requesting public comment in their proposed rule on whether there are categories of waters that could automatically be ruled outside of jurisdiction without a case-by-case analysis.

A concern of many in the regulated community is the agency's proposed interpretation of "significant nexus." Many believe that this standard is sufficiently vague enough to allow the agencies to assert their jurisdiction over waters not previously regulated, rather than to curtail their jurisdiction, as they suggest in the proposed rule. Specifically, the proposed significant nexus standard would address other types of waters that may have more uncertain connections with downstream water and protection. These water bodies would be evaluated through a case specific analysis on whether the connection is or is not protecting similarly situated waters in certain geographic areas or adding to the categories of waters protected without case specific analysis.

Other concerns noted are that some of the terms or definitions in the proposed rule are inconsistent definitions provided in other federal laws and regulations. For example, the term "floodplain" is not tied to the generally understood Federal Emergency Management Agency (FEMA) program that oversees the National Flood Insurance Program (NFIP) in floodplain areas. EPA and the Corps define floodplain as "an area bordering inland or coastal waters that was formed by sediment deposition from such water under present climatic conditions and is inundated during periods of moderate to high water flows." The determination on whether a floodplain falls under the jurisdiction of the proposed rule may be decided by the "best professional judgment and experience" of agency staff.

Another concern is that most ditches, including roadsides, floodwater and other ditches would be considered U.S. waters, unless they meet certain exemptions. The proposed regulation contains a definition of "tributary," which is defined as having a bed, bank and ordinary high-water mark and contributes to flow, directly or indirectly, of a water of the U.S. Tributaries can be natural and/or man-made, and include ditches (canals, channelized streams, piped, etc.).



The flow may be ephemeral, intermittent or perennial, but the tributary must drain, or be part of a network of tributaries that drain into a water of the U.S.

Under the proposed definition of a tributary, the upper limits of a tributary is established where the channel begins. A natural or man-made break in a tributary, such as bridges, pipes, culverts, dams, underground streams, does not resolve the ditch tributary status, even in the arid parts of the country where tributaries disappear at times. If the tributary has the bed, bank, ordinary high-water mark before the break, the ditch retains its jurisdictional status after the break.

The proposed regulation excludes two types of ditches that might otherwise be considered jurisdictional: 1) ditches excavated and draining only in uplands and having less than perennial flow and 2) those ditches that do not contribute to flow, directly or indirectly, to a water of the U.S. Also excluded from the definition of tributary are rills, gullies and non-wetland swales. However, these features may be considered “point sources” and thus regulated under the CWA’s Section 402 program.

## Benefit/Cost Analysis

EPA and the Corps assert in their cost-benefit analysis of the proposed rule that the cost savings: would provide an estimated \$388 million to \$514 million annually of benefits to public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. The agencies assert that the public benefits significantly outweigh the costs of about \$162 million to \$279 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

According to the agencies, the proposed rule could result in new indirect costs on regulated entities such as the energy, agricultural, and transportation industries; land developers, municipalities, industrial operations; and on governments administering regulatory programs, at the tribal, state and federal levels. These indirect costs may include application costs, associated environmental compliance costs, wetlands mitigation, stream mitigation, and project re-design and relocation expenses. In addition, there would be program management, training, and associated environmental compliance costs to government associated with administering the CWA.

The Agencies also assert that permitting for construction and development stormwater, concentrated animal feeding operations (CAFOs), and pesticide application are areas of CWA 402 implementation where there may be potential new costs. These activities relate to collection of runoff rather than disposal of wastewater, and EPA and states have traditionally regulated them through CWA 402 general permit rather than individual permits. In addition, these newer requirements have changed in the last decade. Entities engaged in actions requiring general permit coverage can submit a Notice of Intent (NOI) to the permitting authority to obtain coverage. Under the existing CWA jurisdictional implementation, many of these entities may not believe their discharge affects a jurisdictional water and may not have applied for permit coverage. Under the proposed rule, a portion of these entities may be

subject to an assertion of jurisdiction to a similar extent of those seeking 404 permits. Construction-related stormwater discharges, CAFO discharges, and application of pesticides likely occur in similar locations as CWA 404 dredge and fill discharge with respect to proximity to “isolated waters,” small streams, and their adjacent wetlands. Indirect costs for these programs include implementing best management practices (BMPs) for regulated entities and administering permitting programs for government.

## Next Steps

EPA's draft scientific assessment, used to inform the proposed rule, is being reviewed and will not be complete until the end of this year or early next year. The EPA rule will not be finalized until the scientific assessment is complete, and will take into account public comments.

EPA and the Corps will accept comments on the proposed rule on or before July 21, 2014. Comments should be identified by Docket ID No. EPA-HQ-OW-2011-0880 by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- E-mail: [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Include EPA-HQ-OW-2011-0880 in the subject line of the message.
- Mail: Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880.
- Hand Delivery/Courier: Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is 202-566-2426.

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna Downing, Office of Water (4502-T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number 202-566-2428; e-mail address: [CWAwaters@epa.gov](mailto:CWAwaters@epa.gov). Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; email address: [USACE\\_CWA\\_Rule@usace.army.mil](mailto:USACE_CWA_Rule@usace.army.mil); and include the EPA Docket ID No. EPA-HQ-OW-2011-0880 in the subject line of the message.

# BW-12 and the Homeowner Flood Insurance Affordability Act

The following is a comparison of the final Homeowner Flood Insurance Affordability Act of 2013 (H.R. 3370) and its impact on provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12). The information presented is based on outlines of BW-12 flood insurance rate increases, reviews of the final bill, and cross-references to relevant U.S. Code.

	<i>Under BW-12 (as enacted 7/6/12)</i>	<i>HFIAA (H.R. 3370) (signed by President on 3/21/14)</i>
<i>Pre-FIRM Primary Residences with policy in effect before July 6, 2012</i>	Full risk rates will immediately be used upon the sale of the property or of the policy.	Property sale trigger for rate increases is permanently repealed.
<i>New Pre-FIRM residence or business policy first in effect on or after July 6, 2012</i>	Immediate increase to full risk rate.	New policy would be treated the same as for previous owner. Retroactively refunds policyholders who purchased pre-FIRM homes after July 6, 2012 and were subsequently charged higher rates.
<i>Pre-FIRM residence or business with a lapsed policy reinstated on or after October 4, 2012</i>	Immediate increase to full risk rate.	New policy would be treated the same as for previous owner as long as the lapse in the policy was because the property no longer required coverage.
<i>Pre-FIRM Non-Primary (Second) Residences with policy in effect before July 6, 2012</i>	Rates to increase by 25% per year until premiums meet full actuarial rates.	No change from BW-12 but the sale of the property will not trigger full risk rate.
<i>Pre-FIRM Severe Repetitive Loss with policy in effect before July 6, 2012</i>	Rates to increase by 25% per year until premiums meet full actuarial rates.	No change from BW-12.
<i>Pre-FIRM Substantially Improved/Damaged Properties with policy in effect before July 6, 2012</i>	Rates to increase by 25% per year until premiums meet full actuarial rates.	No change from BW-12.
<i>Pre-FIRM Businesses with policy in effect before July 6, 2012 FEMA General Authority to Increase Rates</i>	Rates to increase by 25% per year until premiums meet full actuarial rates. Annual rate increase within any single risk classification (group of policies) is increased from 10% to 20%.	No change from BW-12 but the sale of the property will not trigger full risk rate. Limits annual rate increase within any single risk classification to 15% of pre-BW-12 premiums until actuarial rates are met. Pre-FIRM primary residences must increase by a minimum of 5% annually.

Updated April 23, 2014



# BW-12 and the Homeowner Flood Insurance Affordability Act

<i>Under BW-12</i> (as enacted 7/6/12)		<i>HFLAA (H.R. 3370)</i> (signed by President on 3/21/14)	
<i>Individual Property Rate Cap</i>	N/A	<p>Caps rate increase for individual properties at 18% annually. Does not apply to second homes, repetitive loss properties, substantially damaged properties, businesses, properties in communities whose CRS rating has been reduced, or policies with decreased deductibles or increased coverage.</p> <p>Permanently repeals Section 207 of BW-12.</p> <p>Restores subsidized rates for grandfathered properties and permanently allows for grandfathering to continue.</p> <p>Removes rate increase trigger for the sale of a primary residence, second home, or business.</p> <p>Rates for the first year will be offered at the preferred risk rate (PRP). Thereafter, rate increases will be capped at 15% annually, and rates for individual properties will increase at no more than 18% annually.</p>	<p>Includes language directing FEMA to limit the number of properties where the annual cost of the policy is more than 1% of the total amount covered.</p> <p>Requires affordability study two years after enactment. Increases funding for study from \$750,000 to \$3 million. Requires FEMA to submit a draft affordability framework to Congress 18 months after completion of study.</p>
<i>Grandfathered Properties</i>	Rates to increase by 20% annually over five years.		
<i>Property Sale Trigger</i>	Requires immediate increase to full risk rate when a property is sold.		
<i>Properties Re-Mapped in to a Special Flood Hazard Area</i>	Rates to increase by 20% annually over five years.		
<i>Policy Cost vs. Value of Coverage</i>	N/A		
<i>Affordability Study</i>	Requires FEMA to complete an affordably study on the impact of the rate increases. Study funded at \$750,000.		

Updated April 23, 2014



# BW-12 and the Homeowner Flood Insurance Affordability Act

*Under BW-12  
(as enacted 7/6/12)*

*HFLAA (H.R. 3370)  
(signed by President on 3/21/14)*

<p><i>Analysis on Negative Impacts to Businesses, Places of Worship, and Low-Income Areas</i></p>	<p>N/A</p>	<p>Requires FEMA to produce a report on the negative impacts of rate increase to businesses, places of worship, and low-income areas. First report is required 18 months after enactment and biannually thereafter. FEMA is also required to report to Congress on possible solutions to address affordability.</p>
<p><i>FEMA Reporting Requirements on the Issuance of New Maps</i></p>	<p>Requires FEMA to notify the Senators for each State affected and each House Member for each congressional district affected by any proposed map and any notice of an opportunity to make an appeal.</p>	<p>(1) Requires FEMA to notify the Senators for each State affected and each House Member for each congressional district affected 30 days before the issuance of any preliminary map. (2) Requires FEMA to notify and justify to communities the model(s) FEMA plans to use in their area.</p>
<p><i>FEMA Map Appeals</i></p>	<p>Establishes a process for local communities to appeal FEMA's flood maps. Appeals are limited to \$250,000.</p>	<p>Provides for reimbursement of successful map appeals and removes the \$250,000 cap.</p>
<p><i>Policy Surcharge</i></p>	<p>None.</p>	<p>Addresses offsets to NFIP through a surcharge of \$25 for primary residences and \$250 for secondary residences and businesses. Surcharge is removed when full risk rate is reached.</p>
<p><i>Policy Refunds</i></p>	<p>N/A</p>	<p>Retroactively refunds policyholders who purchased pre-FIRM properties after July 6, 2012 and were subsequently charged higher rates.</p>
<p><i>Home Improvement Threshold</i></p>	<p>Lowers substantial improvement threshold from 50% to 30% of the structures fair market value.</p>	<p>Reinstates historically used 50% substantial improvement threshold.</p>

Updated April 23, 2014

