

REPORT OF THE AD HOC COMMITTEE'S RECOMMENDATION FOR SPECIAL VOTING RIGHTS ACT COUNSEL

DATE	COMPLETED TIMELINE															
Thursday, Sept 9	After much discussion, Commissioners agree to form an Ad Hoc Committee to recommend the best candidate for Special Voting Rights Act (VRA) Counsel for Commission approval. Commissioners Hansen, Larson and Surban were approved by the IRC.															
Friday, Sept 10	General Counsel Nielsen, Merksamer, Parrinello, Gross & Leoni (NM) sends IRC approved Request for Qualifications (RFQ) to list of firms and posts on IRC website. At the request of Commissioner Hansen, NM provides a list of attorneys notified about the RFQ to AHC. AHC members suggest RFQ also be emailed to attorneys/firms who received an RFQ for Special VRA Counsel for the City of San Diego IRC and the County of Los Angeles CRC, staff was able to obtain list from the City of San Diego IRC but not the County of Los Angeles CRC. See below for list of parties to whom an RFQ was addressed which included the list from the City of San Diego IRC.															
Tuesday, Sept 14	Commissioner Hansen prepares a draft rubric to be used to evaluate proposals based on requirements presented in RFQ. Commissioners Larson and Surban, Staff and General Counsel edit and offer revisions, which Commissioner Hansen accepts.															
Monday, Sept 20	Special VRA Counsel RFQ submissions are due to NM at 10:00 am. NM sends two proposal submissions to AHC at 4:00 pm, along with the RFQ and that included the Exhibit 1 (Professional Services Agreement) referenced in RFQ. AHC members discuss inviting both parties to be interviewed on Thursday or Friday.															
Monday, Sept 20 – Tuesday, Sept 21	AHC reviews proposals and evaluates them using rubric. AHC members communicate impressions via email.															
Wednesday, Sept 22	AHC meets for final review of proposals via Zoom (8-10 am) and decides to interview both firms. AHC develops interview questions based on issues raised in RFQ submissions. Staff contacts firms and sets up interviews via zoom on Friday afternoon.															
Friday, Sept 24	<div>AHC interviews BB&K of Orange County, CA and Federal Compliance Consulting (“FCC”) of Washington DC. AHC selects FCC for recommendation to IRC and BB&K as the second choice and begins draft of the AHC report on the Special VRA Counsel recommendation.</div> <div>Scores on evaluation rubric:</div> <table><tr><td></td><td>Hansen</td><td>Larson</td><td>Surban</td></tr><tr><td>BB&K</td><td>86</td><td>86</td><td>90</td></tr><tr><td>FCC Adelson</td><td>96</td><td>96</td><td>94</td></tr></table>					Hansen	Larson	Surban	BB&K	86	86	90	FCC Adelson	96	96	94
	Hansen	Larson	Surban													
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Monday, Sept 27	AHC submits draft AHC report and PowerPoint presentation to staff for posting for the September 30 IRC Special Meeting.															
Date	Anticipated Timeline															
Thursday, Sept 30	SPECIAL MEETING: IRC discusses recommendations for Special VRA Counsel by the AHC, and authorizes contract negotiations in rank order, anticipating negotiations with the highest ranked candidate will be successful. However, if those negotiations are not successful, negotiations can commence immediately with next candidate in rank order.															
Friday, Oct 1- Wednesday, Oct 6	Negotiations with selected Special VRA Counsel firm and contract execution.															

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DISCUSSION:

The Ad Hoc Committee's scoring rubric, once completed, produced a clear preference for respondent Federal Compliance Consulting ("FCC) to serve as the Independent Redistricting Commission's Special Voting Rights Act Counsel. FCC markets itself nationally and has not previously worked in or for the County of San Diego. On the other hand, BB&K is a California law firm with a number of active matters in San Diego County. Thus, in the interest of preserving special counsel's independence and to avoid any appearance of conflict or impropriety, the AHC preferred FCC as the IRC's Special VRA Counsel. Further, FCC offered a single point of contact, attorney Bruce Adelson, rather than a multi-member project team as BB&K proposed. The AHC anticipates more effective and responsive communication with a single point of contact and preferred FCC for this reason as well.

LESSONS LEARNED:

AHC should have reviewed the RFQ before it was sent out. The "statement of work" section was not included in the Submission Requirements, leaving evaluators without critical information about what work would be performed.

Parties who received a copy of the RFQ:

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| 1. UCLA Voting Rights Project, Attn Chad W. Dunn | 13. Scott Rafferty |
| 2. USC Center for Inclusive Democracy, Attn Mindy Romero | 14. FCC - Bruce Adelson |
| 3. Bruce A. Cain, Stanford University | 15. Fred Woocher |
| 4. Nate Persily, Stanford Law | 16. Rick Hasan |
| 5. Hysongsoon Kim, Aikin Gump | 17. Robin Johansen, Olson Remcho |
| 6. Robert Rubin, Law Offices of | 18. Stephen J. Kaufman at Kaufman Legal Group |
| 7. Morris Baller, Goldstein, Borgen Dardarian & Ho | 19. Nancy Salzman, Brandman University |
| 8. Christopher S. Elmendorf, U.C. Davis School of Law | 20. Kareem U. Crayton |
| 9. Letitia Saucedo, U.C. Davis School of Law | 21. Tommie Cardin |
| 10. Jessica Levinson, Loyola Law School | 22. Stephanie Smith |
| 11. Daniel Adler, Gibson, Dunn | 23. Jessica Ring Amunson |
| 12. Bruce A. Wessel, Irell & Manella | 24. John Hopkins |
| | 25. Carlos Lopez |
| | 26. Lisa McBride |
| | 27. Adam Rothery |
| | 28. Ashley WhiteRoy Herrera |