

# EFFECTIVELY ENGAGING CONSULTANT EXPERTISE



**KAREN  
GEORGE**



**GARTH  
ASHPAUGH**



**JODIE  
MILLER**



**JONATHAN  
KRAMER**

**Moderator Karen George, Executive Director**  
Quad Cities Cable Communications Commission  
Serving Andover, Anoka, Champlin, Ramsey, MN  
[qctv.org](http://qctv.org)

**Panelist Dr. Jonathan Kramer, Esq., JD, LL.M, LP.D**  
(a dreaded Consultant!) Senior Partner  
Telecom Law Firm, P.C.  
San Diego, Los Angeles, Seattle, Austin, Southwest Airlines  
[kramer@telecomlawfirm.com](mailto:kramer@telecomlawfirm.com)

**Panelist Garth Ashpaugh, CPA**  
Ashpaugh & Sculco, CPAs, PLC  
Winter Park, FL  
[gashpaugh@ascpas.com](mailto:gashpaugh@ascpas.com)

**Panelist Jodie Miller, Executive Director**  
NDC4 Cable Commission & Town Square Television  
Serving seven(7) St. Paul Suburbs in Minnesota  
[townsquare.tv](http://townsquare.tv)



# Hiring a Consultant

## aka “Effectively Engaging Consultant Expertise”

‘The *good*, the *bad*, and the *cO\$tLy*’

**Moderator Karen George, Executive Director**  
Quad Cities Cable Communications Commission  
Serving Andover, Anoka, Champlin, Ramsey, MN  
[qctv.org](http://qctv.org)

**Panelist Dr. Jonathan Kramer, Esq., JD, LL.M, LP.D**  
(a dreaded Consultant!) Senior Partner  
Telecom Law Firm, P.C.  
San Diego, Los Angeles, Seattle, Austin, Southwest Airlines  
[kramer@telecomlawfirm.com](mailto:kramer@telecomlawfirm.com)

**Panelist Garth Ashpaugh, CPA**  
Ashpaugh & Sculco, CPAs, PLC  
Winter Park, FL  
[gashpaugh@ascpas.com](mailto:gashpaugh@ascpas.com)

**Panelist Jodie Miller, Executive Director**  
NDC4 Cable Commission & Town Square Television  
Serving seven(7) St. Paul Suburbs in Minnesota  
[townsquare.tv](http://townsquare.tv)

# Examples... of Common Consulting Projects

## *Video and PEG-related Consulting Projects*

1. FRANCHISE RENEWAL (*twice: 2000-2015 Franchise, 2020-2030 Franchise*)
  - A. Specialized Attorney
  - B. Community Needs Assessments
  - C. Technical/Engineering Audits of Cable Plant
  - D. Subscriber Surveys and Focus Groups
2. Institutional Network (I-Net) *Study (1999) and Review (2013)*
3. COMPETITIVE FRANCHISES (*WideOpenWest, Everest, CenturyLink*)
4. FRANCHISE FEE AND PEG FEE AUDITS OR REVIEWS  
(*single OR collaborated with other clients, cities & commissions*)

# Examples... of Common Consulting Projects

## *General municipal or non-profit Consulting Projects*

1. Annual Financial Audit of our cable commission and non-profit corporation (*hint: invite proposals every other year for TWO YEARS*)
2. Wireless Legal Counsel or Wireless Project Planning Assistance
3. Non-profit fundraising/Development consultant
4. Planning Retreats, Board/Staff Team-building, HR Training
5. Strategic Planning
6. Board Member with various Trade Associations: Lobbyist (gulp); Professional Administrative Firm; Project Manager; Capital Campaign Firm; Shared Filings To FCC or Court Cases with other jurisdictions/commissions etc.

# Before you Begin... Things to Think About

## *Do you have a state law addressing Consulting Projects?*

Is it a public bidding process?

Can you pick the NOT cheapest proposal?

*Example:* MINNESOTA STATUTE Chapter 471.345 UNIFORM MUNICIPAL CONTRACTING LAW

- Definition of a Municipality (in Minnesota, a cable commission is included)
- Definition of a “Contract”
- Rules for over \$175,000 / \$25K - \$175K / under \$25,000 contracts
- “best value” alternative (not required to take lowest bid)

## *Alphabet Soup... Be Strategic!*

RFP v. IFP v. RFQ (may you “invite” v. make public?)

Prepare for potential conflict of interest

Sub-contract? Partner with other organization(s)?

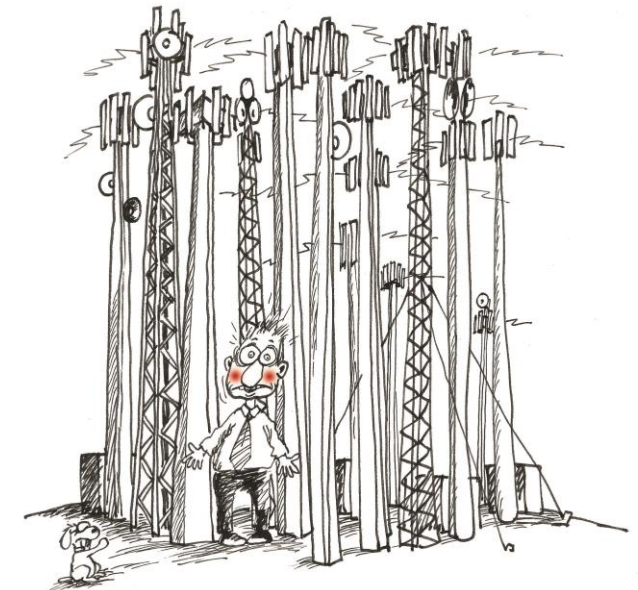
# Make a plan, then **focus** it...

## *Scope and Justifications*

1. Figure out the '**WHAT**' of the problem you're trying to solve.
2. Refine the '**WHAT**' to a sharp focus.
3. Determine why you need to go **OUTSIDE** for help.

## *Needs and Means*

1. Who else has had the same general set of needs?
2. '**Pretty please with sugar on top?**'
3. Only then back-fill with your own specifics.





# Make a plan, then **implement** it...



## *RFP? RFQ? XYZ?*

1. Identify potential consultants the *old-fashioned way*.
2. General publication of opportunity (as may be required by statute);  
(NATOA, State Chapter, League of Cities, Council of Non-profits, etc.)

## *Apples? Oranges?*

1. Make sure your RFP/RFQ is strongly structured
2. Identify scoring system
3. Require one(1) written copy plus unlocked electronic document
4. At least 27 ½ days lead time

# Make a plan, then **track** it...

*Consultants are (mostly) human, too.*

1. Schedule progress meetings
2. Track deliverables (some kindness may be needed)
3. Make sure you monitor invoices (even if fixed fee and step payments)

*What's comes after?*

1. Post-project review
2. Maintenance issues
3. Compliance issues (who is responsible to enforce?)
4. 'Huh?' issues





# The basics of the... Request for Proposals (RFP)

## *Can we “borrow” from others?*

- Use their format, proposal requirements, scope of work (be careful that you are still **adhering to your procurement requirements**, e.g. insurance, and still **meeting your project needs**)
- Piggyback on the work of others (if so that means you can use their contract with their consultant under those same/similar terms – your procurement folks can guide you through this)

## *Predict what Info will be needed to review the Proposals*

- Make sure the **scope of work** defines what you need – start to finish
  - Will presentations be needed? Will this be litigated? Will follow up work be required?
- What will I need to properly evaluate the submittals?
- Know your budget!!! (**To share or not to share in the RFP?**)

# Evaluating the **Proposals**...

- ***Use a checklist or spreadsheet*** of what the proposal should contain, evaluate each piece for completeness.
- ***Make sure the proposal addresses the project and the budget*** – you don't want to be surprised by additional add-ons and costs.
- ***EXPERIENCE! EXPERIENCE! EXPERIENCE!*** Has the person who will be doing your work done this before? (**THIS person, not the firm.**) Talk to references. Check the quality and timeliness of the work. A friendly face is not always the best choice!
- ***Document your evaluation process*** to have clear reasons for your final recommendation, **to share with decision makers and possibly, the applicants.**

# Making the Selection...

*You will be living with the results for years*, so lowest cost may not be the best choice. (In many cases municipalities or commissions are allowed to choose the “best value alternative.”)

## *Know YOUR ROLE as the client in the project*

- How much supervision and oversight will be required?
- What additional services will the client (city or commission) need to supply (legal, on-site assistant, liaison with company)?
- Are you prepared to take on that role or those roles with this company?
- Assign one person to control hours spent/resources if multiple experts may be tapping the same budget (legal, clerical, etc.)

# Converting the RFP to a Contract for Service...

*Proposal's Scope of Work and timeline should be the guide*

*If through Procurement*

There will be a standard contract format.

The accepted proposal should be an attachment.

*If not, Consultant provide an "Engagement Letter," client should review*

*Necessary Provisions as set out in Scope of Work*

- Procedural steps for the project
- Timing and deadlines
- If needed, how to handle Change Orders / mid-project revisions—decision makers and who signs off?

*Payment Provisions*

- Carrots or Sticks? For milestones or meeting deadlines?

# Managing the Project... (and the Consultant)

*Nothing can burn a budget faster* than a consultant left unmanaged, unsupervised.

*No matter the consultant's experience, they cannot read your mind:*

- Time frame and changes to it
- Problems you have in securing and providing data
- Changes to scope desired by you or others in the organization

*Your assistance may be needed to liaison with a third party, (franchisee or others)* that may cause delays by not providing needed data in a timely manner, or other issues.



# Bonus Slide... (your Reward for Staying to the End!)

## *From the Consultants' Perspectives (Garth and Jonathan)*

Pitfalls to avoid (nightmare stories)

## *From the Clients' Perspectives (Karen and Jodie)*

Top Secret Tips for getting your project approved by management, governing board or elected officials







# Speaker Contacts

**Moderator Karen George, Executive Director**

Quad Cities Cable Communications Commission  
Serving Andover, Anoka, Champlin, Ramsey, MN

**763-276-9860**

**[Karen.George@qctv.org](mailto:Karen.George@qctv.org)**

**Panelist Dr. Jonathan Kramer, Esq., JD, LL.M, LP.D**

(a dreaded Boogeyman Consultant!) Senior Partner  
Telecom Law Firm, P.C.

**(310) 405-7333**

**[kramer@telecomlawfirm.com](mailto:kramer@telecomlawfirm.com)**

**Panelist Garth Ashpaugh, CPA**

Ashpaugh & Sculco, CPAs, PLC  
Winter Park, FL

**407.645.2020 x1**

**[gashpaugh@ascpas.com](mailto:gashpaugh@ascpas.com)**

**Panelist Jodie Miller, Executive Director**

NDC4 Cable Commission & Town Square Television  
Serving seven(7) St. Paul Suburbs in Minnesota

**651-352-6101 ext. 108**

**[ExecDir@townsquare.tv](mailto:ExecDir@townsquare.tv)**