



Why Do They Do That?

Keys to Working With Government Systems & Bureaucrats

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Presentation Goals

- "Civics 101"
- Fundamentals of American Bureaucracy
- How to effectively influence Agency policy and regulation
- How to respond to RFPs, RFAs, RFQs, and RFIs
- Examples of effective advocacy



Civics 101

- 3 branches of government
 - _____ branch enacts laws and sets the budget
 - _____ branch interprets laws
 - _____ branch can refuse to spend money
 - _____ branch creates laws through the implementation and administration of laws
 - Administrative Agencies



What is the "Bureaucracy"?

- According to *Webster's New World Dictionary of the American Language*, "bureaucracy is governmental officialism or inflexible routine."
- *Roget's Thesaurus* gives equally demeaning synonyms for *bureaucracy*: "officialism", "officiousness", and "red tape".



Why have a bureaucracy?

- Legislature does not have the time or expertise to implement laws or manage complex tasks
- Administrative agencies manage laws
 - Agencies are restricted to legislative intent through legislative authority
 - Agencies exercise authority in the promulgation of rules and regulations
 - Regulations have the force of law
 - Some agencies also have quasi-judicial powers (administrative law judges for HHS)



All in a Bill...

- All Agencies complete “legislative impact summaries” for all introduced bills
 - Does the law put in place a mechanism to enforce compliance?
 - Does the law appropriate funds or resources to enforce or implement the law? Is it allocated?
 - When and how does the appropriation occur?
 - What is the “legislative intent” of the law?



How to Influence Agencies

- Lay ground work
 - Participate in stakeholder groups
 - Attend public hearings – submit public comment on rules and regulations
 - Catch the agency doing good!
 - Emphasize solutions
- Remember the purpose of the agency
- Need to do homework
 - What is the legislative intent?
 - Is appropriation sufficient?



Influencing Agencies

- Option 1: Work with the Agency
 - Request meetings following hierarchy
 - Present problems rationally – provide background, issues/problems, potential solutions and what will be the results of the solution.
 - Continue up the hierarchy if needed
 - Communicate in writing – follow up in writing; cc your target audience



Influencing Agencies

- Option 2: Change the legislative intent or authority
 - Long process
 - May have significant secondary consequences
 - Often the least attractive option – for everyone concerned



Contracting with the State

- Basic procurement principles
 - Seek to contract for the “best interest of the state”
 - Must be an open, fair, transparent process
 - Everyone must be treated the same
 - State law and Executive Orders apply which may produce bias
- Procurement options: RFP, RFQ, RFA, RFI, sole source, agency authority



Responding to Requests

- Read the request carefully – particularly sections that are required, have “shall” or “must”, and submission guidelines
- Follow the instructions EXACTLY
- Respond to the request – do not assume that you can offer something better or a service that is not requested
- NEVER assume this is a formality



After the contract...

- Be sure you document completion of the tasks in the scope of work
- Audits are a good thing – prove you are doing what you promised to do
- Nearly all contracts are limited to the number of years/renewals before they must be re-bid – regardless of the work being performed



A success story...

- Authorizing legislation poor
 - Appropriated a lot of money, but restricted the agency to impossible requirements
 - Agency used the money to match Federal dollars for another program
 - When restrictions were lifted, match dollars were more important than original intent
 - Advocates raised concern that original intent was not met, problem solved solutions with agency and legislature



Final Thoughts

- Government is intentionally designed to move slowly
- Frequently, seeing the “bigger picture” is the hardest thing for advocates to do
- Bureaucrats, as a general rule, are not trying to make life difficult – they are limited in their options (for your benefit!)
- Be involved!!!



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