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Title: TERMINATE OR REVIEW AMENDMENT NO. 1 TO THE AGREEMENT WITH MDG ASSOCIATES, INC. TO PROVIDE CDBG GRANT-FUNDED PROGRAM ADMINISTRATION SERVICES (CITY COUNCIL)

Sponsors: Community Services

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Attachments: 1. Ex. 1 - Contract Services Agreement with MDG, 2018-2021, 2. Ex. 2 - MDG Contract Amendment No. 1, 2018-2021, 3. Ex. 3 - MDG Budget Resolution No. 19-073

Date	Ver.	Action By	Action	Result
5/14/2019	1	City Council		

Report to Mayor and City Council

Tuesday, May 14, 2019

Discussion

SUBJECT:

TERMINATE OR REVIEW AMENDMENT NO. 1 TO THE AGREEMENT WITH MDG ASSOCIATES, INC. TO PROVIDE CDBG GRANT-FUNDED PROGRAM ADMINISTRATION SERVICES (CITY COUNCIL)

I. SUMMARY

This item was continued from the May 7 City Council meeting.

This item was considered at a Special City Council Meeting held on April 26, 2019. At the meeting, the City Council voted 3-0 (MPT Hicks, Councilmember Davis-Holmes, Councilmember Dear) to approve Recommendation No. 2, which was to “DIRECT staff to prepare an Amendment to the Agreement on other terms.” The direction was to amend the Agreement to increase the contract by \$32,300 for one year (ending June 30, 2020) to allow for the increased technical/administrative support by the contractor to the CDBG program, but not extend the additional funding for the remaining years of the contract.

The recommendation in this case would be the same, and to affirm the amendment already approved on April 26.

In addition, the City Council directed staff to return by the second meeting in September for a comprehensive report on the Housing Division/CDBG program that discussed staffing

levels and the General Fund share of salaries, whether to refill the Senior Administrative Specialist position, the CDBG program and projects supported by the current staffing levels, and the projected future of the CDBG program in Carson and nationally. As Amendment No. 1 was approved on April 2, 2019 and executed shortly thereafter, work has already been performed as authorized by that amendment, will be invoiced under the funds authorized by that amendment and should be duly considered as part of any action moving forward.

Below is the staff report from April 26 (and subsequently, May 7) in its entirety:

On July 1, 2018, the City entered into a five-year agreement with MDG Associates, Inc. (MDG) to provide Community Development Block Grant (CDBG) grant-funded program services (Exhibit No. 1), related to the Neighborhood Pride Program (NPP) and the Commercial Façade Program (CFP). This contract essentially dedicates a full time contractor to administer the work write-up, contractor selection and construction inspection portion of the NPP. Furthermore, it provided part-time services for the CFP.

In September 2018, the City staffer who provided administrative functions for the CDBG program retired and due to budget concerns the position was not refilled. If the City decides to eliminate this position altogether, management will meet and confer with the appropriate union. However, the functions of this position are very technical and include monitoring expenditures, program changes, updates in state and federal (HUD) reporting websites, and fiscal monitoring, and are essential to program compliance.

Upon this retirement, the Community Development Director requested MDG to provide a part-time MDG contractor to fill in so that there was no lapse in HUD reporting that could put the CDBG program at risk. The total annual cost of the MDG contractor to perform this work is \$79,800. To offset part of this cost, the Director reduced the hours of the full-time MDG staffer by 25 percent for a savings of \$47,500 per year. This has impacted the NPP, but was necessary to keep the compliance activities going.

Amendment No. 1, approved by the City Council on April 2nd, added a total of \$154,200 to the contract over 5 years, or about \$32,300 per year to cover the additional contractor's staff time. The retired City employee was mostly funded by the City's General Fund and not CDBG (total compensation was \$129,043 per year), so most of the savings accrued from replacing the employee with a contractor flow to the General Fund. This Amendment actually saves \$491,105 over the life of this 5-year contract, including \$131,825 in savings to the CDBG program and \$359,190 in savings to the General Fund.

Councilwoman Davis-Holmes first asked to reconsider the above-mentioned contract on a regular City Council meeting, but due to the number of intervening meetings, this item was ineligible to be reconsidered. This item is not a reconsideration of the previous approval, but rather it is a request that the City either (a) exercise its right to terminate the contract under Section 7.7, "Termination Prior to Completion of Term"; or (b) propose an amendment to be mutually agreed upon by the parties.

Staff does not have a proposed amendment to replace the April 2 Amendment No. 1. The City Council may terminate Amendment No. 1, which would leave the original agreement in place, or direct staff to return with a different amendment. The issues for discussion, however, are broader than whether it makes sense to secure additional technical expertise

from the contractor at the incremental cost of \$32,300 per year to replace a full-time staff person, but rather whether the City wants to fund three CDBG staff largely out of the General Fund. There is not currently a City staff person trained in this technical activity. An example of a possible Amendment to the contract with MDG would be to shorten the term of the amendment from five years to one or two years and revise the scope of service to include training for a new or current City staff person on how to do this work.

Training current staff and not refilling the position (and doubling up the responsibilities of existing staff) has potential impacts on the other elements of the CDBG program, such as the efficiency of the NPP, or compliance with HUD regulations in the non-accounting areas. Refilling the vacated position will have a negative cost impact on the General Fund.

Staff is requesting that the City Council not terminate Amendment No. 1 to the agreement with MDG Associates, Inc., which is to provide the administrative functions required by the CDBG grant. If so directed, staff can return to Council with an amendment that does what is described in the previous paragraph, redirecting the effort toward training.

II. RECOMMENDATION

TAKE the following actions:

1. DIRECT staff to proceed with termination under Section 7.7, "Termination Prior to Completion of Term," of Amendment No. 1 to an Agreement with MDG Associates, Inc. to provide technical assistance services for the City's CDBG program, which adds a total of \$154,200 to the contract over 5 years.

or

2. DIRECT staff to prepare an Amendment to the Agreement on other terms.

or

3. AFFIRM the Amendment No. 1 to the Agreement and take no action.

III. ALTERNATIVES

TAKE any other action that the City Council deems appropriate and is within the requirements of law.

IV. BACKGROUND

On July 1, 2018, the City entered into an agreement with MDG Associates, Inc. (MDG) to provide CDBG program administrative services. These services are to provide assistance to the NPP and the CFP, as these programs require specialized knowledge of construction and contracting, not generally within the job scope of City staff positions.

Due to the retirement of the City staff member that was responsible for the administrative oversight of the CDBG grant, there was an immediate need to provide grant oversight and management to ensure that the City remained in compliance with grant requirements. MDG was able to assist with this in providing a highly qualified Senior Associate who was

able to step in and contribute valuable expertise in grant application requirements, grant guidelines, fiscal reporting, monitoring and program administration.

MDG provides administration and implementation services of housing and commercial rehabilitation programs among other services. Its highly qualified professional staff has expertise in all aspects of CDBG program administration, implementation and financial management of grants funded through HUD.

Staff is requesting that the City Council not terminate Amendment No. 1. If so directed, staff can return to the City Council with an amendment that redirects the consultant's efforts toward training City staff.

V. FISCAL IMPACT

The approved Amendment No. 1 added a total of \$154,200 to the contract over 5 years. However, not refilling the retired CDBG staff (savings of \$129,043 per year) will save the City \$491,105 over the 5-year contract including \$131,825 in savings to CDBG and \$359,190 in savings to the General Fund.

Terminating the Amendment and not refilling the vacant position saves the \$154,200 in new cost and also keeps the salary savings (which accrue to both the general fund and the CDBG program), but diminishes the effectiveness of the NPP and also puts the City's compliance with CDBG regulations at risk, jeopardizing the funding altogether.

Existing Contract vs. Proposed Contract						
	FY 18/19 (Year 1)	FY 19/20 (Year 2)	FY 20/21 (Year 3)	FY 21/22 (Year 4)	FY 22/23 (Year 5)	Total
Approved Contract	\$ 190,000	\$ 190,000	\$ 190,000	\$ 190,000	\$ 190,000	\$ 950,000
Savings from 25% Reduction of NPP MDG Staff	\$ 32,000	\$ 47,500	\$ 47,500	\$ 47,500	\$ 47,500	
Cost of Adding MDG Senior Associate	\$ 57,000	\$ 79,800	\$ 79,800	\$ 79,800	\$ 79,800	
Proposed Contract	\$ 215,000	\$ 222,300	\$ 222,300	\$ 222,300	\$ 222,300	\$ 1,104,200
Proposed Increased Contract Amount	\$ 25,000	\$ 32,300	\$ 32,300	\$ 32,300	\$ 32,300	\$ 154,200

Savings Realized by General Fund and CDBG						
	FY 18/19 (Year 1)	FY 19/20 (Year 2)	FY 20/21 (Year 3)	FY 21/22 (Year 4)	FY 22/23 (Year 5)	Total
Total Annual Salary and Benefits Savings General	\$ 71,838	\$ 71,838	\$ 71,838	\$ 71,838	\$ 71,838	\$ 359,190
Annual Salary Savings CDBG	\$ 57,205	\$ 57,205	\$ 57,205	\$ 57,205	\$ 57,205	\$ 286,025
Annual Increase in Contract Amount paid by CDBG	\$ 57,000	\$ 79,800	\$ 79,800	\$ 79,800	\$ 79,800	\$ 376,200
CDBG Savings from 25% Reduction of hours for NPP MDG Staff	\$ 32,000	\$ 47,500	\$ 47,500	\$ 47,500	\$ 47,500	\$ 222,000
Total Annual CDBG Savings	\$ 32,205	\$ 24,905	\$ 24,905	\$ 24,905	\$ 24,905	\$ 131,825
Total Savings	\$ 104,043	\$ 96,743	\$ 96,743	\$ 96,743	\$ 96,743	\$ 491,015

VI. EXHIBITS

1. Contract Services Agreement with MDG Associates, Inc. (pgs. 5-33)
2. 1st Amendment to Contract Services Agreement with MDG Associates, Inc. (pgs. 34-40)
3. Budget Resolution No. 19-073. (pgs. 41-42)

1.

Prepared by: John Raymond, Assistant City Manager