

City of Culver City, California  
**City Council Agenda Item Report**

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| Meeting Date: 11/26/07                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Item Number: A-9                                        |  |
| <b>AGENDA ITEM: Approval of an Amendment to the Existing Professional Services Agreement with James Thernes and Associates, Inc. for Professional Consulting Services to Assist in Preparation of Documents Relating to Funding Requests from the Federal Emergency Management Agency and the California Governor's Office of Emergency Services for the Cranks/Tellefson Slope Repair.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                         |  |
| Contact Person/Dept.: Curley Ross, Phone Number: (310) 253-5601<br>Public Works; Associate Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                         |  |
| Fiscal Impact: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> General Fund: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                         |  |
| Public Hearing: <input type="checkbox"/> Action Item: <input checked="" type="checkbox"/> Attachments: <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                         |  |
| Public Notification: Master Notification List (11/21/07)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                         |  |
| Department Approval:<br>Charles D. Herbertson (11/15/07)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | City Attorney Approval:<br>Heather Iker (11/20/07)      |  |
| Fiscal Impact Review:<br>Marlee Chang (by N. Kimball)(11/20/07)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | City Manager Approval:<br>Jerry B. Fulwood (11/21/2007) |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council Authorize amending the Professional Services Agreement with James Thernes and Associates, by increasing the contract amount in an amount not-to-exceed \$16,000.00 (\$6,000.00 for Phase 1 and \$10,000.00 for Phase 2) for assisting City staff with a FEMA time extension request and an additional funding request from the Federal Emergency Management Agency ("FEMA") and the California Governor's Office of Emergency Services ("OES");</p> <p><b><u>DISCUSSION:</u></b></p> <p>Contract No. 2007-030 was entered into by and between the City of Culver City and James Thernes and Associates, Inc. in the amount of \$10,000.00 on April 6, 2007. During contract performance it was determined that the consultant's services would exceed the budgeted amount of \$10,000.00. However, it was important to continue with the work uninterrupted in order to meet a predetermined deadline set by FEMA and OES. On June 25, 2007 the City Council authorized an increase to the contract amount of \$5,030.81 for assisting and advising the City staff in preparation of a first appeal to FEMA's denial of a previous time extension request based on the requirements of the Federal Emergency Management Agency ("FEMA") and the California Governor's Office of Emergency Services ("OES").</p> |  |                                                         |  |

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On September 21, 2007 Staff received notification that the first appeal had been approved by the FEMA and OES. However, this notification advised Staff of the new expiration date of October 31, 2007. Therefore it was necessary to file an additional time extension request prior to the end of October.

Public Works Staff requested and received a proposal from James Thernes and Associates Inc. to assist in preparation of the additional time extension request and to later assist in preparation of a request for additional design and construction funding from FEMA/OES. The additional funding request will be filed after completion of the project currently underway to reconstruct the Cranks/Tellefson hillside. The proposal was broken down with estimated not to exceed amounts as follows:

Phase I – Assistance with filing additional time extension request: \$6,000.00

Phase II – Assistance with filing a request for additional design and construction funding upon project completion: \$10,000.00

This was sole source procurement. A formal bidding process was not conducted for this project since professional services are excluded from the formal bidding requirement (Culver City Municipal Code 3.07.070).

James Thernes and Associates maintains a Culver City Business Tax Certificate and Liability Insurance with the City of Culver City and both are current and in good standing.

**FISCAL ANALYSIS:**

Any reimbursement funds received from FEMA/OES will be used to replenish the Self Insurance Fund, which is currently funding the reconstruction of the Cranks/Tellefson hillside. Therefore, James Thernes and Associates will be paid from the Risk Management Division (funded by the Self Insurance Fund). There are sufficient funds available in the Risk Management Division's Other Contractual Services (30921100.619800) to cover this contract, it is due to the actual cost of the workers' comp third party administration contract with SCRMA being less than originally budgeted;

**ATTACHMENTS:**

1. Thernes & Associates Proposal
2. Letter from FEMA dated September 21, 2007

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**MOTION:**

1. Approve an amendment to the existing Professional Services Agreement, (Contract No. 2007 – 030) with James Thernes and Associates Inc. in an amount not-to-exceed \$16,000.00; and
2. Authorize the City Attorney to review/prepare the necessary documents and authorize the City manager to execute such documents on behalf of the City.