



## Legislation Text

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**File #:** 20-515, **Version:** 1

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**SUBJECT:** First Amendment to the Professional Services Agreement with TDA Consulting, Inc. to Assist with the Preparation and Submittal of the HUD Consolidated Plan, First Year Annual Action Plan, and Analysis of Impediments to Fair Housing Choice

### REPORT IN BRIEF

Considers extending the term of the agreement for professional services with TDA Consulting, Inc. to April 15, 2021; and, considers restructuring the last payment of the contract to adjust for the time extension and contracted work remaining.

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving the first amendment to agreement for professional services with TDA Consulting, Inc. to extend the term of the agreement to April 15, 2021, and approving the restructured compensation schedule, to adjust for the time extension and contracted work remaining; and,
- B. Authorizing the Interim City Manager to sign the necessary documents.

### ALTERNATIVES

- 1. Approve the agreement as recommended by City staff; or,
- 2. Approve a modified agreement as revised by the City Council; or,
- 3. Deny the request; or,
- 4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
- 5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

### AUTHORITY

Charter of the City of Merced, Section 200.

### CITY COUNCIL PRIORITIES

The 2020-2024 Consolidated and Annual Action Plans will potentially address some of the Council's 2020-'21 goals and priorities, including Youth Programs, Local Streets, and Housing/Homelessness through future HUD CDBG and HOME-funded projects.

### DISCUSSION

#### Background

On October 21, 2019, the City Council approved a Professional Services Agreement with TDA Consulting, Inc., in the amount of \$75,735 to assist the Housing Division with the necessary technical data collection, outreach, preparation, and submittal of the Program Year 2020-2024 Consolidated Plan, 2020 Annual Action Plan, and Analysis of Impediments for Fair Housing Choice under their expertise and consultation. The current Professional Services Agreement expired on June 30, 2020.

#### Time Extension, Remaining Scope of Work, and Compensation

Housing staff and TDA Consulting originally expected to perform and complete all tasks listed on the original project timeline by May 15, 2020 (Attachment 1), with the Professional Services Agreement expiring on June 30, 2020.

However, due to the Coronavirus pandemic and other related factors, including the issuance of special CARES Act COVID-19 funding by HUD that further impacted Housing staff's workload, work on the Consolidated and Annual Action Plan was consequently sidelined or restricted, including the ability to hold any further in-person citizen participation meetings and workshops, an essential piece of the process of the ConPlan preparation.

Since the pandemic and ability to complete HUD-related reports has affected not just the City of Merced, but HUD entitlement jurisdictions nationwide, HUD has issued waivers for Consolidated and Annual Action Plan submittals that allow the normal regulatory deadlines to be extended through June 2021.

To date, remaining tasks include evaluating and addressing all public comments that are, as of the writing of this report, still being submitted by residents as a result of two additional virtual outreach workshops held on September 24 and 30, 2020. Following public hearings and Council approval in October and November, respectively, TDA Consulting will assist the Housing Division in the preparation of the Final Plans and submittal to HUD. Additionally, the consultant has stated their willingness to be available to Housing staff through the time that HUD accepts and approves the plans, which is expected at the latest by mid-March 2021, allowing for holidays and further potential HUD slowdowns related to the Coronavirus and other factors.

The original compensation structure included three equal payments to the consultant as tasks were completed. The first two payments have been disbursed, and the consultant has agreed to restructure the last payment into two payments, as the remaining tasks on the agreement are accomplished. Additionally, the amended contract will extend through April 15, 2021 (Attachment 2).

#### **IMPACT ON CITY RESOURCES**

The current agreement was already funded from the CDBG Professional Services account, 018-1301-552.17-00 in the FY 19/20 budget. At this time, there is no change in the total contracted amount; therefore, no further impact on city resources is expected.

#### **ATTACHMENTS**

1. Schedule of Tasks - excerpt from current contract
2. Draft First Amendment to Agreement for Professional Services