



DATE: June 6, 2007

TO: Honorable Mayor and City Councilmembers  
Community Development Commission  
Harbor District Board of Directors

FROM: City Manager's Office

SUBJECT: **APPROVAL OF AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE FERGUSON GROUP FOR FEDERAL LEGISLATIVE SUPPORT**

**SYNOPSIS**

Staff recommends that the City Council, Community Development Commission, and Harbor District Board approve Amendment 1 in the amount of \$252,332 to the professional services agreement with The Ferguson Group of Washington, DC, for federal legislative support services, extending the term of the agreement from June 30, 2007, to June 30, 2010, and modifying compensation; and authorize the City Manager to execute the amendment.

**BACKGROUND**

The Ferguson Group has represented the City to its federal representatives and agencies since 1984 and has facilitated a number of major accomplishments on behalf of the City. Specifically, The Ferguson Group has assisted the City in working with its congressional delegation and to attain authorizations and appropriations on ongoing projects such as the Shoreline Special Study, Harbor Maintenance Dredging, the El Corazon Senior Center, the City's Public Radio System, Crown Heights Neighborhood Revitalization, Transit Center, and San Luis Rey River Clearing, to name a few. With the help of the Ferguson Group, the City has received millions of dollars over the years of our agreement that we most likely would not have received.

The Ferguson Group continues to maintain a high profile on behalf of the City in Washington, DC, and they provide exceptional service to the City. The Ferguson Group has continued to be extremely knowledgeable about the City and has tracked a number of important projects for us.

**ANALYSIS**

Due to The Ferguson Group's performance as well as their unique knowledge of the City and its past and current legislative requests, staff is recommending that the City

Council approve Amendment 1 to the current agreement which terminates on June 30, 2007. Staff is recommending that the City Council approve this first amendment which would extend the term of the agreement through June 30, 2010. The amendment further provides for a 5 percent increase to the contracted amount for each of the three years in the extension. The total contract amount, with the 5 percent increases, amounts to:

- \$80,042 for FY 2007-08
- \$84,044 for FY 2008-09
- \$88,246 for FY 2009-10

Staff also conducted an informal bid inquiry process and verified that these costs are in line with other companies providing similar services.

### **FISCAL IMPACT**

The current annual cost for the Ferguson agreement which terminates in June 2007 is \$76,230. This cost is shared as follows:

- 60 percent Water Enterprise Fund
- 30 percent Harbor
- 5 percent CDC
- 5 percent General Fund

Amendment 1 identifies a 5 percent increase to the contract which will be \$80,042 in FY 2007-08. In FY 2008-09 the amount is \$84,044, and FY 2009-10 is \$88,246. Staff is recommending that the allocation of these costs remain consistent. It is staff's recommendation and opinion that the cost for this contract is nominal in comparison to the historic and future monies received through the federal appropriations and grants process.

### **INSURANCE REQUIREMENTS**

The City's standard insurance requirements have been met.

### **COMMISSION OR COMMITTEE REPORT**

Does not apply.

### **CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

**RECOMMENDATION**

Staff recommends that the City Council, Community Development Commission, and Harbor District Board approve Amendment 1 in the amount of \$252,332 to the professional services agreement with The Ferguson Group of Washington, DC, for federal legislative support services, extending the term of the agreement from June 30, 2007, to June 30, 2010, and modifying compensation; and authorize the City Manager to execute the amendment.

PREPARED BY:

  
\_\_\_\_\_  
Michelle Skaggs Lawrence  
Deputy City Manager

SUBMITTED BY:

  
\_\_\_\_\_  
Peter A. Weiss  
Interim City Manager

Attachment A:      Amendment

**AMENDMENT TO CITY OF OCEANSIDE AGREEMENT WITH  
THE FERGUSON GROUP  
FOR FEDERAL LEGISLATIVE SERVICES**

This First Amendment is to the professional services agreement between the CITY OF OCEANSIDE, the OCEANSIDE SMALL CRAFT HARBOR DISTRICT, and the OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION, hereinafter designated as "OCEANSIDE ENTITIES" and THE FERGUSON GROUP, LLC, hereinafter designated as "CONSULTANT", for the Provision of Federal Lobbying Support Services which was entered into on June 15, 2005. This first amendment modifies the terms of the June 15, 2005, agreement, as follows.

Section 10.1 – Compensation

10.1 The Ferguson Group's compensation for all work performed in accordance with the First Amendment, except the reimbursable expenses set forth below, shall not exceed \$80,042 for FY 2007-08 (July 1, 2007-June 30, 2008), \$84,044 for FY 2008-09 (July 1, 2008-June 30, 2009), and \$88,246 for FY 2009-10 (July 1, 2009-June 30, 2010). The costs of this Agreement will be borne as follows:

	<b>FY 2007/08</b>	<b>FY2008/09</b>	<b>FY2009/10</b>
City General Fund (5%)	\$ 4,003	\$ 4,203	\$ 4,413
City Water Enterprise Fund (60%)	48,025	50,426	52,947
Harbor (30%)	24,011	25,212	26,473
CDC (5%)	<u>4,003</u>	<u>4,203</u>	<u>4,413</u>
	<b>\$80,042</b>	<b>\$84,044</b>	<b>\$88,246</b>

Section 13 – Duration of Agreement

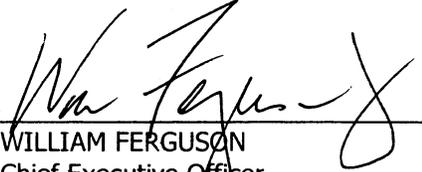
13 The time period covered by this First Amendment shall be in effect for three years, beginning July 1, 2007, and terminating on June 30, 2010.

All other terms and conditions of the June 15, 2005, agreement remain in full force and effect and are not modified by this amendment.

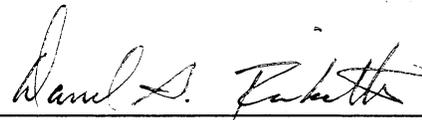
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**18. SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the OCEANSIDE ENTITIES.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this Professional Services Agreement to be executed by setting hereunto their signatures this 1<sup>st</sup> day of May, 2007.

  
WILLIAM FERGUSON  
Chief Executive Officer  
The Ferguson Group

\_\_\_\_\_  
PETER A. WEISS  
Interim City Manager  
City of Oceanside

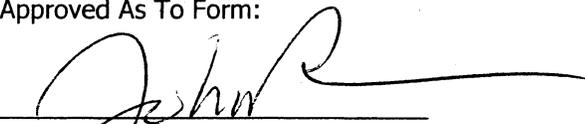
  
Chief Financial Officer  
The Ferguson Group

52-1953168  
Federal Employer ID Number

ATTEST:

\_\_\_\_\_  
Barbara Riegel Wayne, City Clerk

Approved As To Form:

  
John P. Mullen, City Attorney

Notary Acknowledgements, Proof of Authorization for signatories of CONSULTANT and Insurance Certificates must be attached.

**NOTARY ACKNOWLEDGEMENTS MUST BE ATTACHED**

District of Columbia  
Washington D.C. ) ss:

The foregoing Amendment to Agreement was executed before me this 2 day  
of May, 2007, by William Ferguson, as CEO of The Ferguson Group,  
LLC.

WITNESS my hand and official seal.

My commission expires: 9-30-08

Marilyn Newmark Exp. 9-30-08  
Notary Public

District of Columbia  
Wash DC ) ss:

The foregoing Amendment to Agreement was executed before me this 2 day  
of MAY, 2007, by Darnel Ricketts, as controller of The Ferguson Group,  
LLC.

WITNESS my hand and official seal.

My commission expires: 9-30-08

Marilyn D Newmark  
Notary Public