

ORDINANCE NUMBER O- **21767**DATE OF FINAL PASSAGE **MAR 04 2024**AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING EXTENSION OF AGREEMENT  
PAST FIVE YEARS.

WHEREAS, the Council of the City of San Diego (Council) approved the Contract Resulting from Request for Proposal Number 10089378-19-L, Annual Audit Services related to the Comprehensive Annual Financial Report (CAFR), Single Audit and Other Audit Services (Contract) with Macias Gini & O'Connell LLP (MGO) for independent auditing services for Fiscal Years 2019 through 2023 by San Diego Resolution R-312161 (Jan. 11, 2019); and

WHEREAS, the Contract is set to expire on February 24, 2024; and

WHEREAS, MGO will require more time to complete audit work currently underway under the Contract for Fiscal Years 2021, 2022, and 2023; and

WHEREAS, City of San Diego (City) staff has prepared and issued a request for proposals for a new five-year contract for annual audit services for the Annual Comprehensive Financial Report (ACFR), single audit, and other audit services for Fiscal Years 2024 through 2028 (New RFP); and

WHEREAS, City staff requires additional time to complete its processes to secure an audit firm under the New RFP for independent auditing services for Fiscal Years 2024 through 2028; and

WHEREAS, in Fiscal Year 2021, Federal Covid-19 response and recovery funds disbursed to the City required additional audit work for compliance with Federal award requirements for those programs identified as major programs, which increased the Single Audit's cost under the Contract in the amount of \$28,000; and

WHEREAS, the annual required Central Stores Agreed-Upon Procedures reviews were paid using the Office of the City Auditor's approved budget, however as a result of revisions to the City's contracting processes and implementation of ARIBA requires these costs to be charged to the Contract in the amount of \$43,601; and

WHEREAS, City staff requests an amendment to the Contract to extend the term to expire December 31, 2024, to ensure MGO has sufficient time to complete its work for Fiscal Years 2021, 2022, and 2023 and allow the City sufficient time to secure independent auditing services for Fiscal Years 2024 through 2028 under the New RFP; and

WHEREAS, City staff also requests an amendment to the Contract to increase the total amount of compensation under the Contract by \$72,101, which consists of \$28,500 for Single Audit and \$43,601 for Agreed-Upon Procedures engagements, for a total not-to-exceed contract amount of \$2,629,587; and

WHEREAS, the amendment to the Contract will be effective as of February 24, 2024; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or his designee, is authorized and directed to execute, for and on behalf of the City, that certain First Amendment to the Contract Resulting from Request

for Proposal Number 10089378-19-L, Annual Audit Services related to the Comprehensive Annual Financial Report (CAFR), Single Audit and Other Audit Services with Macias Gini & O'Connell LLP, on file with the Office of the City Clerk as Document No. OO- **21767**, for independent auditing services through December 31, 2024, and in an amount not to exceed \$2,629,587 (Project).

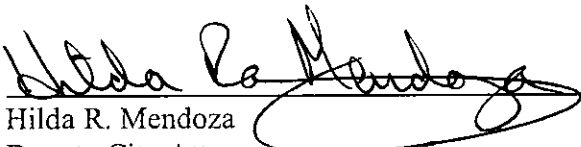
Section 2. That the Chief Financial Officer is authorized to appropriate and expend an additional amount not to exceed \$72,101 from Funds 100000 General Fund, 200700 Successor Agency (RDA), 700033 Airports, 700036 Development Services, 700039 Environmental Services, 700043 Golf Course, 700048 Recycling, 700000 Municipal Sewer Utility, 700001 Metro Sewer Utility, 700011 Water Utility, for the purpose of executing this First Amendment to the Contract Resulting from Request for Proposal Number 10089378-19-L, Annual Audit Services related to the Comprehensive Annual Financial Report (CAFR), Single Audit and Other Audit Services, contingent upon the City Comptroller first certifying funds are available providing funds for the Project.

Section 3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 4. That a full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

HRM:nja  
01/09/2024  
Or. Dept: Auditor's Office  
Doc. No. 3531439

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 3/4/24  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 27 2024, by the following vote:

| Councilmembers      | Yeas                                | Nays                     | Not Present              | Recused                  |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| District 4 - vacant | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAR 04 2024

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 06 2024, and on MAR 04 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21767