



## Agenda Report

22-921

Agenda Date: 7/12/2022

### REPORT TO STADIUM AUTHORITY BOARD

#### **SUBJECT**

Action on Amendment No. 1 to the Agreement as Amended with The Pun Group, LLP for Auditing Services for the Santa Clara Stadium Authority

#### **BOARD PILLAR**

Ensure Compliance with Measure J and Manage Levi's Stadium

#### **BACKGROUND**

On September 10, 2020, the Stadium Authority (Authority) entered into an agreement with The Pun Group, LLP, to provide the Authority with auditing services by performing a review of the 2019 College Football Playoff National Championship Game (Game) financial statements and supporting documents provided by the Bay Area Host Committee (Committee). The agreement expired on December 31, 2021. Staff is requesting to extend the agreement until March 31, 2023 and modify the agreed upon procedures to provide ample time for the consultant to wrap up the necessary remaining procedures and report.

#### **DISCUSSION**

The Authority has engaged The Pun Group, LLP to provide auditing services to perform agreed upon procedures on the financial statements and supporting documents submitted by the Committee for the 2019 Game. The current contract with The Pun Group, LLP has a total not-to-exceed amount of \$23,650 and terminates on December 31, 2021. Staff is recommending Amendment No. 1 to retroactively extend the termination date to March 31, 2023 and modify the agreed upon procedures to be performed. The completion of the audit requires additional time is due to unanticipated delays and a pause in the audit work from the COVID-19 pandemic and the need to coordinate and sign a Non-Disclosure Agreement with the Forty Niners Stadium Management Company, LLP. Additional procedures have been identified as well to ensure a complete review of the event.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of a California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Furthermore, the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### **FISCAL IMPACT**

The Stadium Authority FY 2022/23 Budget includes Stadium Authority General & Administrative line

item under Other Operating Expenses. There are sufficient funds in the Stadium Authority FY 2022/23 Stadium Authority General & Administrative line item to cover the costs related to this Agreement (\$23,650). The proposed Amendment No. 1 to the Agreement for Services with The Pun Group, LLC extends the term of the agreement to March 31, 2023 and modifies the agreed upon procedures to be performed.

**COORDINATION**

This report has been coordinated with the Stadium Authority Counsel's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Approve and authorize the Executive Director to execute Amendment No. 1 to the Agreement with The Pun Group, LLP for auditing services to retroactively extend the term of the agreement to March 31, 2023 and revise Attachment A relating to the "Agreed upon Procedures" to be performed.

Reviewed by: David Noce, Audit Manager

Approved by: Rajeev Batra, Executive Director

**ATTACHMENTS**

1. Original Agreement with The Pun Group
2. Amendment No. 1