

APPROVED
06-01-2016

BOARD OF RECREATION
& PARK COMMISSIONERS

BOARD REPORT

NO. 16-136

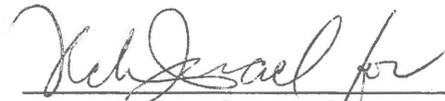
DATE: June 01, 2016

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GRIFFITH OBSERVATORY – AS-NEEDED PERFORMANCE DIRECTOR SERVICES FOR THE LIVE PERFORMER PRODUCTIONS AT THE SAMUEL OSCHIN PLANETARIUM THEATRE – AMENDMENT TO PROFESSIONAL SERVICES CONTRACT NO. 3455 WITH CHRISTOPHER SHELTON, A SOLE PROPRIETOR, TO EXTEND THE TERM AND INCREASE THE CONTRACT AMOUNT

AP Diaz	_____	V. Israel	_____
R. Barajas	_____	K. Regan	_____
H. Fujita	_____	*N. Williams	<u>NDW</u>



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve a proposed Amendment comprised of three years with two of those years as extension options, herein included as Attachment 1, to Personal Services Contract No. 3455 (Contract), between the City of Los Angeles and Christopher Shelton, a sole proprietor (Contractor), to continue the provision of the performance director services, on an as-needed basis, for the live performer productions at the Samuel Oschin Planetarium Theatre at the Griffith Observatory, subject to the approval of the Mayor, and the City Attorney as to form;
2. Find, in accordance with the Charter Section 1022 Personnel Review of December 12, 2012, herein included as Attachment 2, that the City does not have personnel available in its employ with sufficient expertise to provide these professional services and that it is more economical and feasible to secure the services of an independent contractor;
3. Find, in accordance with Charter Section 371(e)(2), that for the temporary continuation of expert and specialized professional services at the Griffith Observatory, competitive bidding is not practicable or advantageous;
4. Find in accordance with Los Angeles Administrative Code Section 10.5(b)(2), that the proposed Amendment does not require approval by City Council, as annual payments to or by the City do not exceed the current annual Consumer Price Index (CPI) adjusted Contract Exemption Limit of One Hundred Forty-Three Thousand, Eight Hundred Ninety Dollars (\$143,890.00);
5. Approve the Amendment encumbrance of One Hundred Fifty Thousand Dollars (\$150,000.00) should all three years of options be extended, at a not-to-exceed annual

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amount of Fifty Thousand Dollars (\$50,000.00), which will bring the six-year contract not-to-exceed total to Two Hundred Seventy Thousand Dollars (\$270,000.00), and include the approval of the first year extension option to July 9, 2017, with the balance of extension options to be approved by the General Manager or Designee; from Fund 302, Department 89, Account 3040, Activity Code 7800.

6. Authorize the Department of Recreation and Parks' (RAP) Chief Accounting Employee to make technical corrections as necessary to those transactions included in the Contract to carry out the intent of this Report;
7. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for review and approval as to form; and,
8. Authorize the Board President and Secretary to execute the Amendment upon receipt of the necessary approvals.

SUMMARY

The Griffith Observatory has an eighty-one (81) year tradition of providing live planetarium presentations for its visitors. The Samuel Oschin Planetarium, which opened in 2006 as part of the renovated and expanded Observatory building, uses performers for all its shows. Initial and ongoing performer training, with related theatrical support services for the live performances, is critical for program success and is provided by the Performance Director.

The most recent Performance Director Contract (Personal Services Contract No. 3455) was awarded on March 20, 2013 (Report No. 13-077) to Christopher Shelton.

On July 10, 2013, the contract with Christopher Shelton was executed for a term of one year, with two one-year options to extend, which were exercised by the General Manager in an amount not to exceed Forty Thousand Dollars (\$40,000.00) per year. The Contract is set to expire July 9, 2016. Griffith Observatory is seeking to continue Mr. Shelton's services because of the exceptional job he has done over the last ten years. His training of our Observatory Lecturers has gained the Observatory extensive public praise and media attention for the quality, consistency, and uniqueness of the performances in the Samuel Oschin Planetarium. Mr. Shelton has a profound understanding of the astronomical subject matter and the unique presentational environment of a planetarium, all informed by a lifetime of expertise in theatrical arts. He is as singular in his qualifications and success as the celestial experience he supports. Mr. Shelton is in agreement that the hourly compensation rate remain the same and that the various projects will require additional time at the Observatory and has agreed to a Ten Thousand Dollar (\$10,000.00) a year increase to Fifty Thousand Dollars (\$50,000.00) for each of the proposed years four through six.

RAP Staff recommends increasing the contract ceiling for Personal Services Contract No. 3455 from One Hundred and Twenty Thousand Dollars (\$120,000.00) to Two Hundred Seventy Thousand Dollars (\$270,000.00) and extending the term from three years to six years through

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July 9, 2019. The fourth year option to extend is approved by execution of the amendment and the fifth and six year extensions remain options to extend at the sole discretion of the General Manager. This contract extension will allow RAP to continue to meet the on-going performance needs of the Samuel Oschin Planetarium.

FISCAL IMPACT STATEMENT

Sufficient funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) have been identified in fund No. 302, Department 88, Account 3040, Activity Code 7800. There is no additional impact to the RAP's General Fund.

LIST OF ATTACHMENTS

- 1) Proposed Amendment to Contract No. 3455
- 2) 1022 Personnel Review 12.20.12

This report was prepared by Nancy Jeffers, Management Analyst II, Finance Division, Service Contracts Group.

**AMENDMENT TO CONTRACT NO. 3455
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
CHRISTOPHER SHELTON, PERFORMANCE DIRECTOR**

This AMENDMENT to Contract No. 3455 is made and entered into this _____ day of _____, 201_, by and between the CITY OF LOS ANGELES, a municipal corporation (hereinafter referred to as CITY), acting by and through its Department of Recreation and Parks (hereinafter referred to as DEPARTMENT) Board of Commissioners (hereinafter referred to as BOARD) and Christopher Shelton, a sole proprietor (hereinafter referred to as CONTRACTOR).

RECITALS

WHEREAS, per contract award by BOARD on March 20, 2013 (Report No.13-077), on July 10, 2013, BOARD executed Contract No. 3455 with CONTRACTOR for a term of one year, with two one-year options to extend, for professional performance director services at the Samuel Oschin Planetarium at the Griffith Observatory; and

WHEREAS, DEPARTMENT continues to require the services of CONTRACTOR, and BOARD finds that, in accordance with Charter Section 1022, the CITY does not have personnel available in its employ with sufficient expertise to provide these professional services and it is more economical and feasible to secure the services of an independent contractor; and

WHEREAS, BOARD finds that, in accordance with Charter Section 371 (e)(2), that for the temporary continuation of expert and specialized professional services at Griffith Observatory, competitive bidding is not practicable or advantageous; and

WHEREAS, BOAD finds that in accordance with Los Angeles Administrative Code Section 10.5(b)(2), this AMENDMENT to Contract No. 3455 does not require approval by the City Council, as annual payments to or by the CITY do not exceed the current annual Consumer Price Index (CPI) adjusted Contract Exemption Limit of One Hundred Forty-Three Thousand, Eight Hundred Ninety-Four dollars (\$143,894.00); and

WHEREAS, it is necessary to amend Contact No. 3455 with CONTRACTOR in order to continue the use of said contract for up to an additional three years; and

WHEREAS, CONTRACTOR is willing and able to provide the services requested by the DEPARTMENT;

NOW, THEREFORE, the DEPARTMENT and CONTRACTOR agree that Contract No. 3455 shall be amended as follows:

1. **FULL FORCE AND EFFECT:** Except as specifically modified by this Amendment, the terms and conditions contained in Contract No. 3455 between the DEPARTMENT and CONTRACTOR, executed on July 10th, 2013, shall remain in effect.

2. SECTION II. TERM Subsection A is amended to read as follows:

A. The term of this CONTRACT shall be from July 10, 2013 and expire no later than July 9, 2019, composed of the initial one-year term with five one-year options to extend, at the sole discretion of DEPARTMENT'S General Manager, or designee; subject to early termination by DEPARTMENT, as provided in Exhibit A – The Standard Provisions for City Contracts (Rev. 03/09). Performance may not begin until CONTRACTOR has obtained from the CITY approval of insurance required herein.

DEPARTMENT has exercised the first and second option to extend the CONTRACT by notifying CONTRACTOR, in writing, of DEPARTMENT'S exercise of the first option on March 20, 2014, and the second option on June 10, 2015.

DEPARTMENT hereby exercises the third option to extend, which extends CONTRACT to July 9, 2017, with the execution of this AMENDMENT. Should the DEPARTMENT wish to exercise the fourth and fifth options to extend the CONTRACT through July 9, 2018, and July 9, 2019, the DEPARTMENT shall notify CONTRACTOR, in writing, of DEPARTMENT'S exercise of those options on or before June 10, 2017 and June 10, 2018, respectively.

3. SECTION III. COMPENSATION AND PAYMENT Subsection A is amended to read as follows:

A. DEPARTMENT shall pay CONTRACTOR for services rendered on an as-needed basis under Contract No. 3455 at the rate of Sixty-Two Dollars and Fifty Cents (\$62.50) per hour. The total annual amount paid to the CONTRACTOR for the first through third years shall not exceed Forty Thousand Dollars (\$40,000.00) per year, and the total annual amount for fourth through sixth years shall not exceed Fifty Thousand Dollars (\$50,000.00), to equal a not-to-exceed contract grand total of Two Hundred Seventy Thousand Dollars (\$270,000) should all five extensions be exercised by DEPARTMENT'S General Manager.

DEPARTMENT shall reimburse CONTRACTOR for costs of photocopying and printing associated with CONTRACTOR'S work under this Contract, and such reimbursements shall not exceed One Hundred Dollars (\$100.00) for the term of each year of the contract. Expenses incurred by CONTRACTOR

must be itemized with original receipts attached to the submitted invoices in order for CONTRACTOR to receive reimbursement.

(Signature Page to Follow)

IN WITNESS THEREOF, the parties hereto have caused their duly authorized representatives to execute this AMENDMENT TO CONTRACT NO. 3455.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners.

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

CHRISTOPHER SHELTON, a sole proprietor

BY: _____
Christopher Shelton

DATE: _____

APPROVED AS TO FORM:

MICHAEL N. FEUER, City Attorney

BY: _____
Stefan Fauble
Deputy City Attorney III

DATE: _____

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Recreation and Parks

2. Contacts:

Department: Nancy Jeffers Phone No. 213-202-4352 Fax No. 213-202-3213

CAO: Claudia Aguilar Phone No. 213-473-7579 Fax No. 213-473-7514

3. Work to be performed:

The Department of Recreation and Parks is seeking a contractor to provide design, direction, casting, and training for the performers associated with the "live performer" portion of the Griffith Observatory's Planetarium shows. The contractor would provide all performance-related services for all areas related to the live performance of planetarium programs by Observatory Lecturers (OLs) at the Planetarium. The contractor will direct storytelling performances in the Planetarium; train and rehearse the OLs in their performances of public planetarium programs; provide input into the editing of planetarium program scripts; and provide advice on other aspects of the presentations such as lighting, sound, props, stage blocking, and related effects.

Is this a contract renewal? Yes No

4. Proposed length of contract: 36 months

Start Date: February 28, 2013

6. Proposed cost of contract (if known): Maximum of \$ 99,000

7. Name of proposed contractor: Christopher Shelton, Performance Director

8. Unique or special qualifications required to perform the work:

The contractor must have knowledge and experience in the theatrical performance arts for staging of shows and programs, as well as familiarity with astronomical subject matter. They must have the expertise to present that information theatrically in a dramatic fashion in a planetarium setting, including such areas as script editing, lighting, sound, props, casting, costume and makeup, and training and rehearsing the lecturers. The contractor must have at least 15 years of experience in this field, as well as bachelor's and master's degrees in Speech/Drama. The contractor must also be located in Southern California.

9. Are there City employees that can perform the work being proposed for contracting?

Yes No

If yes,

- a. Which class (es) and Department(s):
- b. Is there sufficient Department staff available to perform the work? Yes No
- c. Is there a current eligible list for the class(es)? Yes No Expiration Date
- d. Estimated time to fill position(s) through CSC process?
- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No

f. Are there City employees currently performing of the work? Yes No

10. Findings

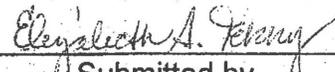
- City employees DO NOT have the expertise to perform the work
 City employees DO have the expertise to perform work. (Please see summary below.)

Check if applicable (explanation attached) and send to CAO for further analysis

- Project of limited duration would have to layoff staff at end of project
 Time constraints require immediate staffing of project
 Work assignment exceeds staffing availability

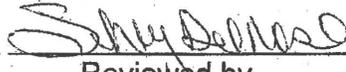
SUMMARY:

The Department of Recreation and Parks seeks a contract with Performance Director Christopher Shelton for all services related to the live performances by Observatory Lecturers at the Griffith Observatory's Planetarium. The department indicated that because only a handful of planetariums worldwide offer shows with live lecturers, there are only two or three theatrical directors in the United States who have the experience needed to plan and direct such planetarium performances. The department indicated that Christopher Shelton is the only such director in Southern California with the required expertise in both astronomical subject matter and the theatrical arts. There are no City classifications that provide the required services, and the department indicated that none of its current staff possess the necessary expertise to perform these tasks.



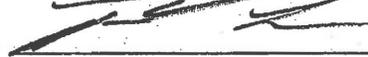
Submitted by

Elizabeth A. Terry
Sr. Personnel Analyst I



Reviewed by

Shelly Del Rosario
Sr. Personnel Analyst II



Approved by

Raul Lemus
Chief Personnel Analyst



Date