



DATE: FEBRUARY 9, 2011

FROM: CONSTRUCTION DIVISION

**SUBJECT: RESOLUTION NO. ____
FIRST AMENDMENT TO AGREEMENT NO. 08-2687
BETWEEN THE CITY OF LOS ANGELES AND
BERG & ASSOCIATES, INC.
CONSTRUCTION MANAGEMENT SERVICES FOR THE
HARRY BRIDGES BOULEVARD BUFFER AND HARRY BRIDGES
BOULEVARD VOLUNTARY IMPROVEMENTS PROJECTS -
TIME EXTENSION**

SUMMARY:

The existing Agreement No. 08-2687 between the City of Los Angeles Harbor Department (Harbor Department) and Berg & Associates, Inc., of San Pedro, CA, is scheduled to expire on July 28, 2011. This First Amendment to Agreement No. 08-2687 will extend the subject Agreement from three years to four years for continued construction management services supporting construction and contract closeout of the Harry Bridges Boulevard Buffer (Buffer) and Harry Bridges Boulevard Voluntary Improvements (Blvd) projects. No additional compensation is being requested.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Approve the First Amendment to Agreement No. 08-2687, extending the term of the Agreement from three years to four years (Transmittal No. 1);
2. Authorize the Executive Director to execute, and the Board Secretary to attest to said Amendment for and on behalf of the Board pending City Council approval;
3. Adopt Resolution No. _____ ; and
4. Direct the Board Secretary to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 08-2687–TIME EXTENSION

DISCUSSION:

Background – On June 19, 2008, the Board approved Agreement No. 08-2687 with Berg & Associates, Inc., for construction management services for the Buffer and Blvd projects (Transmittal No. 2) for a three-year term (1,095 days) and a maximum compensation of \$5,621,700.

When Agreement No. 08-2687 was approved by the Board, the Board found that in accordance with Charter Section 1022, the work proposed to be contracted could be performed more economically and feasibly by an independent contractor than by city employees. Since this proposed Amendment does not add a new labor component to the work, a new 1022 determination is not required.

On November 20, 2008, the Board awarded Contract Specification No. 2699 to Griffith Company for the construction of the Buffer project. The Buffer project will develop approximately 30 acres of land in the Wilmington Area of the Port of Los Angeles as part of the Wilmington Waterfront Development Program to provide public access and recreation space in the Los Angeles Harbor. The work includes vacating streets, earthwork, and construction of underground facilities, pedestrian and iconic bridges, retaining walls, buildings, water features, a playground and landscaping. The estimated construction cost is \$57,000,000. Construction started in February 2009, with contract completion anticipated in September 2011. Construction is approximately 85% complete and \$47,572,023.58 has been spent to date.

On January 21, 2010, the Board awarded Contract Specification No. 2711 to Sialic Contractors Corporation dba Shawnan for the construction of the Blvd project. The Blvd project will improve a 1.2 mile segment of Harry Bridges Boulevard adjacent to the Buffer project. The work includes demolition and removals, grading, utility relocations, and construction of concrete walks, concrete and asphalt concrete paving, concrete curbs and gutters, driveways, traffic signals, fire hydrants, street lighting, storm drainage, recycled water supply, a high voltage electrical duct bank system, signage, pavement markings and striping, landscaping, irrigation, and fiber optic infrastructure. The estimated construction cost is \$19,000,000. Construction started on March 22, 2010, with contract completion anticipated in January 2012. Construction is approximately 25% complete and \$4,686,440.02 has been spent to date.

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 08-2687–TIME EXTENSION

Reasons for the Amendment – The existing Agreement No. 08-2687 will expire on July 28, 2011. The First Amendment will extend the term of the Agreement from three to four years. The time extension is necessary to allow for the continuation of construction management services through final completion of punch list items and the project close out phase.

Berg & Associates, Inc., is a Small Business Enterprise (SBE) and thereby achieves an SBE participation level of 100 percent. This exceeds the original SBE requirement of 25 percent.

ENVIRONMENTAL ASSESSMENT:

The proposed action is an Amendment to Agreement No. 08-2687 for continued construction management services for the Buffer and Blvd projects which were previously assessed under the requirements of the California Environmental Quality Act (CEQA) as part of the TraPac Environmental Impact Report. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from CEQA in accordance with Article II Section 2(i) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have no additional employment effect.

FINANCIAL IMPACT:

Approval of the proposed Board item will not have a financial impact upon the Harbor Department. No additional compensation is required at this time. The remaining authority for this Agreement is \$1,823,126.25.

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 08-2687-TIME EXTENSION

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the First Amendment to Agreement No. 08-2687 as to form and legality.

TRANSMITTAL:

1. First Amendment between the City of Los Angeles Harbor Department and Berg & Associates, Inc.
2. Before Construction & Progress Photo



SHAUN SHAHRESTANI
Chief Harbor Engineer
Construction Division

FIS Approval: KP (initials)



MICHAEL R. CHRISTENSEN
Deputy Executive Director

APPROVED:



GERALDINE KNATZ, Ph.D.
Executive Director

LW/lm
A2687B01 Ver.2