



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: OCTOBER 9, 2014

FROM: ENGINEERING

**SUBJECT: RESOLUTION NO. _____ APPROVAL OF
PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF
LOS ANGELES HARBOR DEPARTMENT AND MOFFATT & NICHOL
FOR CONCEPTUAL DESIGN ALTERNATIVES OF BERTH 57 WHARF
RETROFIT AND GROUND IMPROVEMENTS PROJECT, A
COMPONENT OF THE ALTASEA PROJECT**

SUMMARY:

The Engineering Division recommends approval of a personal services agreement (Agreement) with Moffatt & Nichol to provide professional engineering services to prepare conceptual design alternatives with comprehensive construction cost estimates for the Berth 57 Wharf Retrofit and Ground Improvements project (Berth 57 Project), a component of the AltaSea project. Lease No. 904 with AltaSea at the Port of Los Angeles (AltaSea) was approved by the Board of Harbor Commissioners on November 7, 2013. Task 1 and Task 10 for a total amount of \$500,000 allows for the preparation of conceptual design alternatives and cost estimates for Berth 57 Wharf Retrofit and Ground Improvements. The \$500,000 personal services agreement to partially support the AltaSea project is the financial responsibility of the Harbor Department.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that in accordance with the City Charter Section 1022, work under the subject Agreement is temporary in nature and can be performed more feasibly by an independent contractor rather than by City of Los Angeles employees;
2. Approve a personal services agreement with Moffatt & Nichol for conceptual design engineering services for the Berth 57 Wharf Retrofit and Ground Improvements project with a not-to-exceed amount of \$500,000 and a term of three years;
3. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board;
4. Direct the Executive Director, to report back to the Board with the findings and recommendations of the conceptual design alternatives review and a status update of AltaSea's compliance with the criteria for accepting the Berth 57 parcel for AltaSea; and

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5. Adopt Resolution No. _____.

DISCUSSION:

Background and Context - On October 18, 2012, the Board certified the Environmental Impact Report (EIR) for the City Dock No. 1 Marine Research Center Project.

On November 7, 2013, the Board approved Lease No. 904 (Lease) with Rockefeller Philanthropy Advisors, Inc. (RPA) and subsequent lease assignment to the California non-profit public benefit corporation known as AltaSea at the Port of Los Angeles (Transmittal 1). On December 17, 2013, the Los Angeles City Council approved the lease. The Lease provides AltaSea up to five years to accept the initial Berths 56 and 57 Lease Parcels 1A and 2A (Transmittal 2), and complete all of the tasks required to accept the Berths 56 and 57 parcels, as detailed in the attached September 4, 2014, status update provided by the City of Los Angeles Harbor Department (Harbor Department) Real Estate Division and AltaSea (Transmittal 3).

It is recommended that a personal services agreement for conceptual alternative designs of Berth 57 wharf and ground improvements deliverables be awarded. This will enable the Harbor Department to explore potential cost savings of alternative designs for Berth 57 Project and any associated environmental review requirements, as well as the independent value of conceptual design of the Berth 57 wharf and ground improvements to any future alternate use.

Scope of Services – Consultant will provide conceptual study, alternatives designs, and comprehensive cost estimates for the Berth 57 Project. The Agreement includes conceptual design task, as-needed engineering design services, and deliverables, which are individually priced as follows:

<u>Task</u>	<u>Contract Cost</u>
1. Conceptual Study and Report (wharf and ground improvements design alternatives and comprehensive cost estimates)	\$485,000
10. As-Needed Engineering Design Services	\$15,000
TOTAL	<u>\$500,000</u>

A notice to proceed from the Engineering Division is required prior to the consultant proceeding each individual task. Further, there is no penalty to the Harbor Department should it decide not to proceed with any individual task.

The Engineering Division recommends the authorization of Task 1 in the amount of \$485,000 for conceptual design alternatives and comprehensive evaluation of cost estimates including cost savings for the preferred alternative and Task 10 in the amount of \$15,000 for unforeseen engineering design. The total amount for this authorization is

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\$500,000. Upon completion of Task 1, the Engineering Division will review the implications of the design alternatives presented to the \$15 million limit of liability for post-2013 Building Code requirements. In addition, the Environmental Management Division (EMD) will review the same alternatives to determine if additional environmental review is necessary. The Engineering Division will discuss the design alternatives and associated implications with RPA/AltaSea.

Consultant Selection Process - A request for proposals (RFP) was issued on September 9, 2013, and posted on Los Angeles Business Assistance Virtual Network (LABAVN) and on the Port of Los Angeles (Port) website. Written proposals were submitted by six consultant teams expressing interest in the Berth 57 Project. After a complete evaluation of the written proposals by the selection committee consisting of Harbor Department staff from the Engineering, Planning and Economic Development, and Construction and Maintenance Divisions, all six proposing firms were invited to be interviewed on November 13 and 14, 2013:

- Moffatt & Nichol (Long Beach, CA)
- JMC2 (San Pedro, CA)
- KPFF Consulting Engineers (Long Beach, CA)
- CH2MHill Engineers, Inc. (Los Angeles, CA)
- D R Consultants & Designers, Inc. (Los Angeles, CA)
- URS Corporation Americas (Long Beach, CA)

During the interview, each firm presented its proposal and responded to a set of formulated and follow-up questions from the Harbor Department's selection committee. The presented proposals and responses were rated independently by each member of the selection committee. The Harbor Department's selection committee chose Moffatt & Nichol (Transmittal 4) based on the design approach presented, knowledge and experience on similar projects, outstanding project team organizational format, relevant experience and expertise of the key project team members, and their experience with the relevant regulatory agencies. Although Moffatt & Nichol's initial fee proposal was higher than others, their design approach could have a lower initial construction cost, simplify the design, and reduce long-term maintenance costs.

The Engineering Division's staff met with Moffatt & Nichol and negotiated their proposed fee. Task 1 fees were negotiated not-to-exceed \$485,000 and Task 10 fees were negotiated not-to-exceed \$15,000.

Contract Amount and Term - The not-to-exceed amount for the Berth 57 Project Agreement is \$500,000. The Agreement includes conceptual design alternatives as detailed in the Scope of Services section above. The term of the Agreement is three years.

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Contract Requirements - This Agreement is in conformance with both the City Service Contract Worker Retention and Living Wage Ordinances.

Moffatt & Nichol's subconsultant business enterprise proposal for Task 1 and Task 10 is 12% Small Business Enterprise (SBE). This represents \$60,000 in services going to these various business enterprises.

Final 1022 Notifications to other City Departments were made and City staff is not available to assist the Harbor Department with this design project.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of an Agreement with Moffatt & Nichol for design engineering services for the Berth 57 Project. Selection of a wharf design alternative for the Berth 57 Project would be assessed to determine whether the design is consistent with the scope of work analyzed in the certified City Dock No.1 Marine Research Center Project EIR (ADP#100114-003/SCH#2010121013) or if additional environmental review under California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) is warranted. Therefore, as an administrative activity limited to the approval of a personal services agreement, the Director of Environmental Management has determined that the proposed action is exempt from CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

Approval of the proposed Agreement will support 4 direct and 4 secondary one-year equivalent jobs for the five-county region.

FINANCIAL IMPACT:

This proposed Board action seeking approval of a three-year personal services agreement with Moffat & Nichol for professional engineering services in the not-to-exceed amount of \$500,000 partially supports the contemplated wharf redevelopment and improvements at Berth 57 and at the adjacent Signal Street. Under separate Board action, a Guarantee Agreement with AltaSea for \$500,000 will cover the costs of Conceptual Design Alternatives if AltaSea does not perform required tasks and meet necessary conditions pursuant to the terms of the lease. Funds for the current Fiscal Year 2014/2015 in the amount of \$500,000 are available in Account No. 54220, Center No. 1182, Program No. 624, which have been budgeted and approved by the Board.

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CITY ATTORNEY:

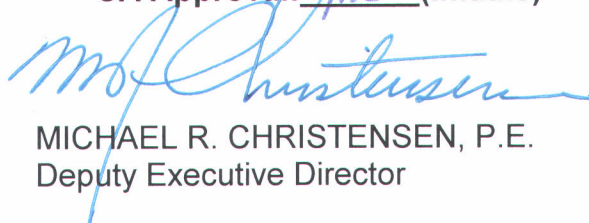
The Office of the City Attorney has prepared and approved the Agreement as to form and legality.

TRANSMITTALS:

1. Board Report approving AltaSea Lease
2. Site Map
3. AltaSea Status Update
4. Consultant Selection Memo with attachments
5. Agreement between the City of Los Angeles and Moffatt & Nichol

FIS Approval: ecj (initials)
CA Approval: Jm (initials)


ANTONIO V. GIOIELLO
Chief Harbor Engineer


MICHAEL R. CHRISTENSEN, P.E.
Deputy Executive Director

APPROVED:


EUGENE D. SEROKA
Executive Director

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Author: C. Grossi