



Executive Director's
Report to the

Board of Harbor Commissioners

DATE: JUNE 4, 2019

FROM: GOVERNMENT AFFAIRS

**SUBJECT: RESOLUTION NO. _____ - APPROVAL OF AGREEMENT
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT
AND NOSSAMAN LLP FOR ENVIRONMENTAL ADVOCACY
REPRESENTATION**

SUMMARY:

Staff requests approval of the Agreement between the City of Los Angeles Harbor Department ("Harbor Department") and Nossaman LLP for environmental advocacy representation for the Harbor Department. The proposed Agreement with Nossaman LLP is for a one-year term, with two one-year options, and a not-to-exceed amount of \$132,000 per year, plus travel expenses not-to-exceed \$9,000 per year, for a total contract amount of \$423,000. Nossaman LLP will be paid a monthly flat fee of \$11,000. The Harbor Department is financially responsible for expenses incurred under the proposed Agreement.

RECOMMENDATION:

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

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the Los Angeles 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;
3. Approve the proposed Agreement between the City of Los Angeles Harbor Department and Nossaman LLP for a one-year term, with two one-year options, and a not-to-exceed amount of \$132,000 per year, to be paid via a monthly flat fee of \$11,000 plus eligible reimbursable travel expenses not-to-exceed \$9,000 per year, for a total contract amount of \$423,000;
4. Authorize the Executive Director or Designee to execute, and the Board Secretary to attest to, the proposed Agreement; and
5. Adopt Resolution No. _____.

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DISCUSSION:

City of Los Angeles (City) Representation – The Los Angeles City Charter (“Charter”), Section 231(h), and Mayor Eric Garcetti’s Executive Directive No. 4 (June 24, 2014) specifies that the Office of the Mayor holds primary responsibility for the City’s intergovernmental relations. The Charter provision and the procedures adopted to carry out this provision are designed to ensure a unified voice and coordinated legislative strategy when representing the City’s interests.

The Harbor Department’s Government Affairs Division (“GAD”) works closely with the Mayor’s Office of Legislative and Intergovernmental Relations at the state and federal level to advance the Harbor Department’s legislative agenda, support the Harbor Department’s strategic goals, and pursue a broad range of Harbor Department objectives, including protecting and securing funding and developing policy related to environmental initiatives.

Need for Agreement – Balancing the needs of international trade with the protection of the environment, and specifically air quality, of the San Pedro Bay and their surrounding communities is an ongoing focus of the Harbor Department. The consultant will assist the Harbor Department with finding that balance by developing and implementing an advocacy strategy at the state and federal level to protect and advance the Harbor Department’s interest in environmental policy and regulatory development, including, but not limited to, preserving the authority of the Harbor Department to implement the Clean Air Action Plan (CAAP). The strategy will include engaging stakeholders at the State and U.S. Capitols to garner support of the CAAP and other Harbor Department environmental initiatives. The consultants will also assist in identifying and seeking funding sources to further the goals contained in the CAAP.

The duration of the contracts awarded as a result of this RFP is expected to be three years from the date of execution of the agreement.

The following items will be part of the scope of work for this project:

1. Develop a strategy to engage regulatory agencies at the state and federal level on air quality planning, including but not limited to the United States Environmental Protection Agency and California Air Resources Board;
2. Engage relevant agencies and stakeholders on potential Indirect Source Rules, Facility-Based Mobile Source Measures, and other rulemaking targeting emissions in the freight and marine shipping industry;

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3. Engage relevant agencies on implementation AB 617 (Garcia);
4. Coordinate key meetings to advance the Harbor Department's environmental programs;
5. Work with coalitions and third parties to advance the Harbor Department's position on environmental and air quality planning;
6. Develop supporting materials, including briefing memos, talking points, letters, testimony, interpretation of legislative language and analysis of legislation, policy, and/or regulation;
7. Support strategies to engage the public in a greater understanding of port environmental programs and air quality planning efforts, as needed; and
8. Provide a monthly report on environmental advocacy activities performed and accomplishments completed in support of this scope of work.

A complete list of the Harbor Department's requirements of Nossaman LLP can be found in the Agreement and Exhibit A "Scope of Work."

Consultant Selection – The Harbor Department issued a Request for Proposals ("RFP") in keeping with the City Charter requirements and Board policies of open competition for professional services. The RFP was published on the Port of Los Angeles website and posted on the Los Angeles Business Assistance Virtual Network.

The proposals were evaluated by a selection committee, consisting of three Port staff and a representative from Los Angeles World Airports. Evaluations were based on the written proposal that demonstrated knowledge of environmental issues; familiarity with the City of Los Angeles and the maritime industry; strong experience working with local, state, and federal elected officials, departments, and regulatory agencies; ability to develop legislative language and strategy, funding plan development and implementation, sound project team organization, relevant experience and expertise; and comprehension of the Harbor Department's challenges and opportunities regarding environmental issues. The selection committee reviewed and scored the proposals. The three firms which submitted proposals participated in an in-person interview. After reviewing the first round of interviews, the selection committee invited the two highest scoring firms to participate in a second round of interviews. The committee selected Nossaman LLP and Kit Cole Consulting as the most qualified bidders.

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Prior to the review process the Government Affairs Division anticipated that there would be only one recommended bidder. After reviewing the proposals and conducting interviews, the selection committee recommends contracting with both Nossaman LLP and Kit Cole Consulting based on their specific areas of expertise with different environmental stakeholder groups. The Agreement between the Harbor Department and Kit Cole Consulting will be presented to the Board of Harbor Commissioners under a separate report. Nossaman LLP will work under the direction of the Harbor Department's Director of Policy and Legislative Affairs, with assistance from the Director of the Environmental Management Division.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the Agreement with Nossaman LLP for environmental advocacy representation for the Harbor Department, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from CEQA in accordance with Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The proposed Agreement with Nossaman LLP is for a one-year term, with two one-year options, and a not-to-exceed amount of \$132,000 per year, plus travel expenses not-to-exceed \$9,000 per year, for a total contract amount of \$423,000. Nossaman LLP will be paid a monthly flat fee of \$11,000.

Funds are available within the Fiscal Year 2019/20 budget in Account 54290 (Miscellaneous Professional Services), Center 0260 (Government Affairs), Program 000. It is anticipated that funds for the Agreement with Nossaman LLP will be expended as follows:

Fiscal Year 2019/2020	\$141,000
Fiscal Year 2020/2021	\$141,000
Fiscal Year 2021/2022	\$141,000
Total:	\$423,000

Future fiscal year funding will be requested as part of the annual budget adoption process. The Harbor Department's obligations to pay any amount due for any future fiscal years are contingent upon Board appropriation of funds for the purposes. Accordingly, anything contrary notwithstanding, the Harbor Department may terminate

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any agreement and its future monetary obligations thereunder, effective as of the end of any fiscal year.

CITY ATTORNEY:

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

TRANSMITTAL:

1. Agreement between the City of Los Angeles and Nossaman LLP
2. RFP Evaluation Score Sheet



JENNIFER COHEN
Director of Policy and Legislative Affairs

FIS Approval: MB

CA Approval: JML



DAVID LIBATIQUE
Deputy Executive Director
Stakeholder Engagement

APPROVED:



FOR

EUGENE D. SEROKA
Executive Director

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