

HARBOR DIVISION

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DATE: DECEMBER 13, 2017

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - APPROVE SECOND AMENDMENT TO AGREEMENT 15-3310 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE SOHAGI LAW GROUP PLC

SUMMARY:

The Office of the City Attorney requests the Board of Harbor Commissioners (Board) to approve a Second Amendment (Amendment) to Agreement No. 15-3310 with The Sohagi Law Group PLC (Sohagi). The Amendment extends the term of the Agreement by three years through February 28, 2021 and increases the compensation by \$500,000. The term extension and additional compensation are necessary due to ongoing professional legal services for environmental matters. The City of Los Angeles Harbor Department (Harbor Department) is financially responsible for payment of expenses under the proposed Amendment.

RECOMMENDATION:

It is recommended that 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;

DATE: DECEMBER 13, 2017

PAGE 2 OF 4

SUBJECT: SECOND AMENDMENT TO AGREEMENT 15-3310 WITH THE SOHAGI LAW GROUP

2. Approve the Second Amendment to Agreement No. 15-3310 with The Sohagi Law Group, extending the three-year term to a total of six years with \$500,000 additional compensation;
3. Authorize and direct the Board Secretary to forward the Second Amendment to the City Council for its approval pursuant to Section 373 of the City Charter and Section 10.5 of the Los Angeles Administrative Code;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the Second Amendment to Agreement No. 15-3310 upon approval by City Council; and
5. Adopt Resolution No. _____.

DISCUSSION:

Background and Context – The Sohagi Law Group was retained under Agreement No. 15-3310 with a \$425,000 compensation authority. The term for Agreement 15-3310 commenced March 1, 2015 and will terminate on February 28, 2018. The firm provides professional legal services for environmental matters including laws, rules and regulations governing and impacting the Harbor and their operations which include, but are not limited to, the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The term extension and additional compensation is necessary to complete ongoing assignments related to the Harbor Department’s environmental matters.

Selection Process - Because the City’s Real Property Division (RPD) downtown was seeking outside legal counsel with the same environmental law specialty, our Harbor Division Office of the City Attorney used the RPD’s Request for Proposals (RFP) for CEQA counsel and used a competitive selection process to assess and select from the proposers to the RFP. The RFP was issued in November 2014, for outside legal counsel services to assist the RPD in CEQA, NEPA and other related matters. Twenty (20) law firms responded to the RFP. Based upon a review of all proposals submitted, the Office of the City Attorney identified and subsequently interviewed four firms that were considered to be the most qualified to provide the services required by the Harbor Department. Interviews were conducted by a panel of Harbor CEQA attorneys and the General Counsel during the period of December 10 -19, 2014. Based upon the scores the Committee selected three firms (Meyers Nave, The Sohagi Law Group and Remy Moose and Manley) for agreements with the Harbor Department.

First Amendment- The initial contract authority was allocated for the completion of the litigation of the Southern California International Gateway (SCIG) project entitled Fast Lane Transportation, *et. al.* vs. City of Los Angeles, *et. al.* (“SCIG Case”). On July 21,

DATE: DECEMBER 13, 2017

PAGE 3 OF 4

SUBJECT: SECOND AMENDMENT TO AGREEMENT 15-3310 WITH THE SOHAGI LAW GROUP

2016 the First Amendment was approved and provided additional funds (\$208,547) for Agreement No. 15-3310. The Scope of Work under the First Amendment was to assist the Office of The City Attorney with legal work in the appeal of the SCIG case.

Proposed Second Amendment- The Second Amendment for Agreement No. 15-3310 with Sohagi extends the term of the agreement by three years and increases the compensation by \$500,000. The term extension and additional compensation are necessary due to ongoing legal services and related litigation support services for environmental legal matters. Further explanation of the potential proposed legal work to be performed under the Second Amendment is set forth in a separate privileged and confidential legal memorandum from our Office to the Board.

Reason for City Council Approval- The term extension will increase the three-year term to a total of six years. As this is a six-year Agreement, the Harbor Department is required by the Charter and City Administrative Code to obtain City Council approval.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of an Amendment to Agreement No.15-3308 to extend the term of the Agreement and increase the compensation for ongoing legal services for environmental matters. As an administrative activity, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance under Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The proposed action is for the approval of a Second Amendment to Agreement No. 15-3310 to extend the term from three years to six years and to increase the compensation by \$500,000 for a total of \$1,133,547. To date (through June 30, 2017) the amount expended has been \$516,177. The budget amount needed for fiscal year 2017-18 (FY 17/18) is \$128,851. Funding in the amount of \$128,851 has been approved for this Agreement as part of the annual budget adoption process in the FY 17/18 Operating Budget within the Harbor Department City Attorney's Office in Division No. 0120, Account No. 54410, and Program No. 000.

Funding for future fiscal years if necessary, will be requested to be budgeted as part of the annual budget adoption process, upon Board approval. A funding out clause is included in Agreement No. 15-3310. The schedule of compensation broken down by fiscal year is as follows:

| Firm | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 | Total |
|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sohagi | \$92,845 | \$293,180 | \$118,671 | \$128,851 | \$275,000 | \$220,000 | \$5,000 | \$1,133,547 |

DATE: DECEMBER 13, 2017

PAGE 4 OF 4

SUBJECT: SECOND AMENDMENT TO AGREEMENT 15-3310 WITH THE SOHAGI
LAW GROUP

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the proposed Second Amendments as to form and legality.

TRANSMITTALS:

1. Second Amendment to Agreement 15-3310 extending its term from three to six years and increasing compensation by \$500,000 to \$1,133,547.

FIS Approval: MB (initials)

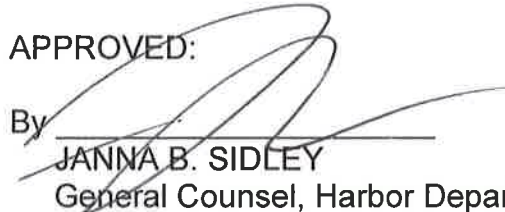
CA Approval: JMC (initials)



JOY CROSE
Assistant City Attorney

APPROVED:

By


JANNA B. SIDLEY

General Counsel, Harbor Department

APPROVED:

By


EUGENE D. SEROKA

Executive Director

Author: Joy Crose/ksh
Board Meeting: 01/11/2018