

HARBOR DIVISION

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DATE: MAY 27, 2014

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ - APPROVE FIRST AMENDMENT
TO AGREEMENT NO. 3042 BETWEEN THE CITY OF LOS ANGELES
HARBOR DEPARTMENT AND MEYERS NAVE**

SUMMARY:

The Office of the City Attorney requests approval of a First Amendment (First Amendment) to Agreement for Professional Services No. 3042 (Agreement No. 3042) between the City of Los Angeles (City) Harbor Department and Meyers Nave, a Professional Law Corporation, increasing the compensation by \$657,000 to an amount not to exceed \$987,000 for legal services for environmental matters.

RECOMMENDATION:

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

1. Approve the First Amendment to Agreement No. 3042 with Meyers Nave, increasing the compensation by \$657,000 to an amount not to exceed \$987,000;
2. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No.3042; and
3. Adopt Resolution No. _____.

DISCUSSION:

DATE: MAY 27, 2014

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 3042 WITH MEYERS NAVE

Background and Context - On February 2, 2012, the Board authorized Agreement No. 3042 for legal services between the City of Los Angeles Harbor Department (Harbor Department) and Meyers Nave. Meyers Nave was among two firms selected using a competitive Request for Proposals (RFP) process. Agreement No. 3042 included a three-year term (March 1, 2012 to February 28, 2015) and a not to exceed amount of \$330,000. The scope of work was for performing legal services in connection with environmental matters, specifically issues under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other environmental matters requiring specialized law. The Harbor Department's environmental impact reports (EIRs) under CEQA and environmental impact statements (EISs) under NEPA require complex technical analysis and disclosures requiring specialized expertise.

Meyers Nave - The initial contract authority was allocated for the completion of the Recirculated Draft and Final EIR for the American President Lines (APL) Container project (\$50,000), Port Master Plan EIR (\$75,288), Yang Ming and Yusen Terminals Inc. EIRs (\$104,767), mitigation measures under CEQA (\$65,000) and for General CEQA Advice (\$34,945).

Through February 2014, the total amount spent under Agreement No. 3042 is \$229,029. The total remaining contract authority is \$100,971, which is expected to be expended during FY 2013-14 (March 1, 2014 through June 30, 2014) for continuing work on the Yang Ming and YTI EIRs and for mitigation measures under CEQA.

First Amendment - The Office of the City Attorney requests approval of a First Amendment for Professional Services between the Harbor Department and Meyers Nave, to increase compensation by \$657,000 to an amount not to exceed \$987,000. The \$657,000 budget and the associated projects have been proposed to be budgeted, upon Board approval as part of the FY 14-15 budget adoption process. The scope of work under the First Amendment was jointly developed with the Environmental Management Division and includes assisting the Office of the City Attorney with continuing legal services for the completion of the EIRs for Yang Ming, YTI and Evergreen, general CEQA Advice and mitigation measures under CEQA and any legal actions in connection with our CEQA and NEPA work. Further explanation of the proposed legal work to be performed under the First Amendment is set forth in a separate privileged and confidential legal memorandum from the Office of the City Attorney to the Board.

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 3042 WITH MEYERS NAVE

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a First Amendment to Agreement No. 3042 with Meyers Nave to increase the compensation for legal services related to environmental matters. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.

ECONOMIC IMPACT:

This Board action will have no employment impact.

FINANCIAL IMPACT:

The proposed action is for the approval of a First Amendment to Agreement No. 3042, to increase compensation authority by \$657,000 for a total amount not to exceed \$987,000. Currently, the remaining contract authority is \$100,971, which is expected to be expended during the period of March 1, 2014 through June 30, 2014 and these funds are available within the Harbor Department City Attorney's Office Account No. 54410, Division 120, and Program No. 000.

Funding for the amount of the proposed First Amendment (\$657,000) has been proposed to be budgeted, upon Board approval as part of the annual budget adoption process in the FY 2014-15 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410, Division No. 120 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. 3042. The schedule of compensation broken down by fiscal year is as follows:

| | |
|--------------|------------------|
| FY 2011-12 | \$24,671 |
| FY 2012-13 | \$133,748 |
| FY 2013-14 | \$171,581* |
| FY 2014-15 | \$657,000 |
| TOTAL | \$987,000 |

*FY 2011-12 through 2013-14 cumulative total is \$330,000 the authority amount of the original Agreement No. 3042

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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 3042 WITH MEYERS NAVE

CITY ATTORNEY:

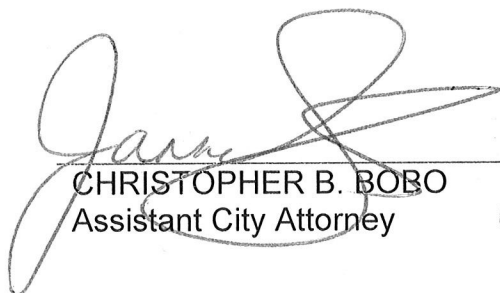
The Office of the City Attorney has reviewed and approved the proposed First Amendment as to form and legality.

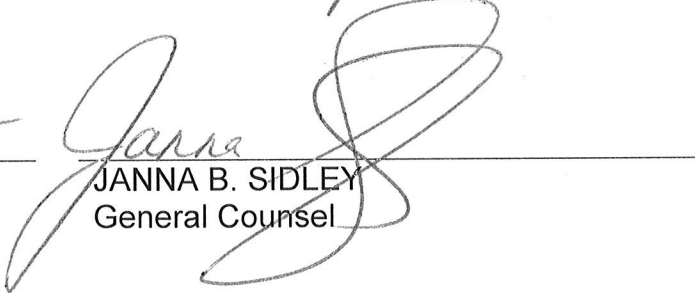
TRANSMITTAL:

1. Proposed First Amendment to Agreement No. 3042 with Meyers Nave

FIS Approval: WR (initials)

CA Approval: JS (initials)


CHRISTOPHER B. BOBO
Assistant City Attorney

for 
JANNA B. SIDLEY
General Counsel

APPROVED:

By Gary Lee Moore
GARY LEE MOORE, P.E.
Interim Executive Director