

HARBOR DIVISION

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**DATE: MAY 24, 2022**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 21-9802 WITH REMY MOOSE MANLEY LLP FOR ENVIRONMENTAL MATTERS**

**SUMMARY:**

The Office of the City Attorney (Office) requests approval of the First Amendment to Agreement No. 21-9802 (First Amendment) between the City of Los Angeles Harbor Department (Harbor Department) and Remy Moose Manley LLP (Remy). The proposed First Amendment increases the maximum compensation authority by \$830,000 for a total maximum compensation of \$930,000. The authority allows Remy to perform the necessary environmental legal services for multiple designated improvement projects at the Harbor Department. The increase will also fund general California Environmental Quality Act (CEQA) advice for the Port of Los Angeles. The Harbor Department is financially responsible for payment for legal services rendered under Agreement No. 21-9802. It is anticipated that \$543,568 of the agreement total will be reimbursed by third parties through reimbursement agreements.

**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: MAY 24, 2022

PAGE 2 OF 5

SUBJECT: FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 21-9802  
WITH REMY MOOSE MANLEY LLP

2. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreement can be more economically and feasibly provided by an independent contractor than by City employees;
3. Approve the First Amendment to Legal Services Agreement No. 21-9802 with Remy Moose Manley LLP, to increase the compensation authority by \$830,000 for a maximum compensation authority of \$930,000;
4. Authorize the Executive Director and Board Secretary to execute and attest to the First Amendment; and
5. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background – Following a competitive Request for Proposals process, Remy was awarded a three-year agreement, Agreement No. 21-9802 (Transmittal 1), to provide legal services for environmental matters. Agreement No. 21-9802 commenced on June 2, 2021 for a three-year term with a maximum compensation not to exceed \$100,000. The initial \$100,000 budget was based on a projection of upcoming CEQA projects prior to release of the RFP. After the \$100,000 budget was established, the Department expanded the number and scope of projects requiring analysis under CEQA, which in turn drove an unexpected increase in the amount of services the Department sought from Remy. Year to date \$33,040 has been spent and the remaining authority is \$66,960. The proposed increase is directly related to the number of projects and the status of each project, and is designed to correlate the appropriation under this contract to the recalibrated estimate of services required.

First Amendment – The Office requests that the Board approve the proposed First Amendment to increase the compensation authority by \$830,000 to \$930,000. The quality of legal services and the responsiveness in which Remy has provided them has been excellent. The amount of increased authority sought by this amendment arises from a detailed needs analysis of separate projects that are slated to occur at the Harbor Department, as well as an estimate of the amount of general CEQA advice that may be necessary to obtain from Remy. The projects are:

**DATE: MAY 24, 2022**

**PAGE 3 OF 5**

**SUBJECT: FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 21-9802  
WITH REMY MOOSE MANLEY LLP**

- Berth 148-151 Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Improvements
- Berth 187-191 MOTEMS and Wharf Improvements
- Berth 191-194 Facility Project
- Berth 44 Boatyard Project
- Cabrillo Way Marina Project
- San Pedro Fish Market
- Star-Kist Cannery Facility Project
- SA Recycling
- Port Master Plan
- General CEQA

Approval of this amendment will allow Remy to continue to provide services to the Office of the City Attorney and the Harbor Department on an uninterrupted basis.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a First Amendment to Agreement No. 21-9802 to increase the compensation authority for ongoing legal services for environmental matters, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The proposed action is approval of a First Amendment to Agreement No. 21-9802 to increase the compensation authority. To date, \$33,040 in spending has been incurred under the Agreement and a balance of \$66,960 will be spent by June 30, 2022.

Funding for general CEQA legal services provided by Remy in the amount of \$46,432 is available in FY 2021/22, and funding in the amount of \$110,000 is being requested for FY 2022/23, both in the Operating Budget within the Harbor Department City Attorney's Office Account No. 54410 (Legal Fees & Services), Division No. 120 and Program No. 000. Expenditures for Berth 187-191 MOTEMS and Wharf Improvements in the amount of \$60,000 is available in the CIP budget Center No. 1195, Work Order No. 25633 and Program No. 000.

Expenditures for other projects in the amount of \$272,000 will be recognized as receivables to Account 11225 (Receivable Costs-Env Projects), Center 7000 (Balance Sheet), Program 000 (Base Projects) and billed to third parties for reimbursement. These

**DATE: MAY 24, 2022**

**PAGE 4 OF 5**

**SUBJECT: FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 21-9802  
WITH REMY MOOSE MANLEY LLP**

expenditures will be reimbursed by tenants in accordance with their reimbursement agreements.

Funding for future years, if necessary, will be requested as part of the annual budget adoption process. A funding out clause is included in the Agreement. Spending under Agreement No. 21-9802 has occurred and is anticipated to occur as follows:

FY 21-22	\$100,000.00
FY 22-23	\$442,000.00
<u>FY 23-24</u>	<u>\$388,000.00</u>
	\$930,000.00

DATE: MAY 24, 2022

PAGE 5 OF 5

SUBJECT: FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 21-9802  
WITH REMY MOOSE MANLEY LLP

**CITY ATTORNEY:**

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

**TRANSMITTALS:**

1. Agreement No. 21-9802 with Remy Moose Manley LLP
2. First Amendment to Agreement No. 21-9802

FIS Approval: MB  
CA Approval: JC

*John Driscoll*  
JOHN DRISCOLL  
Deputy City Attorney

APPROVED:

By *Joy M. Crose*  
STEVEN OTERA  
General Counsel, Harbor Department

APPROVED:

By *Marla Bleavins*  
EUGENE D. SEROKA  
Executive Director

Author: John Driscoll  
Board Meeting: June 9, 2022