

**DATE: JULY 3, 2024**

**FROM: ENGINEERING**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND MARK THOMAS & COMPANY, INC. FOR ENGINEERING SERVICES FOR THE NAVY WAY AND SEASIDE AVENUE INTERCHANGE IMPROVEMENTS PROJECT**

**SUMMARY:**

Staff requests approval of a personal services agreement (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and Mark Thomas & Company, Inc. (Consultant) of Lakewood, California, to provide professional engineering services for the Navy Way and Seaside Avenue Interchange Improvements Project (Project). The Agreement has a contract term of three years with a not-to-exceed compensation amount of \$7,000,000. The Harbor Department will be financially responsible for the payment of expenses incurred under the proposed Agreement.

**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;
2. Approve a personal services agreement with Mark Thomas & Company, Inc. for engineering services for the Project with a not-to-exceed compensation amount of \$7,000,000 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; and
4. Adopt Resolution No. \_\_\_\_\_.

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**DISCUSSION:**

Background - The Harbor Department is committed to improving transportation safety and operations in and around the Port of Los Angeles (Port) complex. The Project will reduce safety concerns and improve traffic flow at the Navy Way and Seaside Avenue intersection. During the years between 2014 to 2018, thirty-one (31) collisions occurred at this intersection, including five fatal or severe injury crashes. The Project improves roadway geometry that should reduce the risks for traffic collisions. The existing traffic signal at Navy Way and Seaside Avenue will not be able to accommodate anticipated future traffic volumes and would result in significant queuing of traffic in all directions.

This Project will remove the last traffic signal and intersection on the main roadway through Terminal Island/Seaside Avenue between the I-110 and I-710 Freeways; construct a new westbound auxiliary lane on Seaside Avenue, between Pier S Avenue and Navy Way; construct a new eastbound 2-lane collector-distributor road; and construct a westbound off-ramp to the Navy Way/Terminal Way intersection.

The Project is located on Terminal Island at the intersection of Seaside Avenue and Navy Way. The Project area encompasses Seaside Avenue/Ocean Boulevard, primarily within the City/Port of Los Angeles, between Caltrans controlled SR 47/Vincent Thomas Bridge east approach and City/Port of Long Beach (POLB) boundary, and south to Navy Way and Terminal Way intersection as shown in the site map (Transmittal 1).

Scope of Services – Consultant will provide professional engineering services under this Agreement, including preparing design plans, specifications, and estimates (PS&E's) for the Project, performing design support during construction, and as-needed tasks including additional design services, coordination with stakeholders, and project control for grant funding. The proposed Agreement (Transmittal 2) includes tasks and deliverables as well as a schedule with estimated timelines.

A Notice to Proceed from the Engineering Division is required prior to the Consultant proceeding with each individual task. The Harbor Department incurs no penalty should the Harbor Department decide not to proceed with any individual task.

Consultant Selection Process – The Harbor Department issued a Request for Proposals (RFP) for the project on November 2, 2023, and advertised on the Regional Alliance Marketplace for Procurement (RAMP) and on the Port website. Written proposals for the Project from four (4) firms were received by the submission deadline of January 9, 2024. The Contracts and Purchasing Division determined that the following three (3) firms were responsive to the RFP's administrative requirements:

- D R Consultants & Designers
- Mark Thomas & Company, Inc.
- T.Y. Lin

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The fourth firm's proposal was deemed non-responsive by the Contracts and Purchasing Division due to non-compliance with the mandatory Small Business Enterprise Program participation requirements stated in the RFP.

After a complete evaluation of the written proposals by the selection committee consisting of staff from the Harbor Department's Engineering Division and the Department of Public Works' Bureau of Engineering, all three of the firms were invited to be interviewed.

During the interview, each firm presented their proposal and responded to a common set of formulated questions from the selection committee. The presented proposals and interview responses were scored independently by each member of the selection committee and each firm was given a combined score (Transmittal 3).

The selection committee selected Mark Thomas & Company, Inc. based on their approach to resolve traffic issues, value provided for the proposed fee, knowledge and experience on similar interchange projects, outstanding project team organization, relevant experience and expertise of key project team members, knowledge of the Harbor Department and its community relationships, and their experience with relevant stakeholders and regulatory agencies.

Contract Amount and Term - The not-to-exceed amount to provide services under the proposed Agreement is \$7,000,000. The term of the Agreement is three years.

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

Throughout the term of the Agreement, the Consultant will maintain compliance with the City's contracting requirements. This project has a participation requirement of 25% from Small Business Enterprises (SBE), including 5% Very Small Business Enterprise (VSBE). Through the use of certified subconsultants, Consultant met the SBE requirement with 34% participation, including 18% VSBE participation. This represents \$2,380,000 in services going to these various Small Business Enterprises.

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

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of an Agreement with the Consultant for professional engineering services for the Project, 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.

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**FINANCIAL IMPACT:**

Approval of the proposed three-year Agreement authorizes the total not-to-exceed amount of \$7,000,000 for professional engineering services. It is anticipated that funds for this Agreement will be expended as follows:

<b>FISCAL YEAR (FY)</b>	<b>AMOUNT</b>
FY 2024/2025:	\$2,660,000
FY 2025/2026:	\$2,940,000
FY 2026/2027:	\$1,400,000
<b>Total:</b>	<b>\$7,000,000</b>

FY 2024/2025 funds in the amount of \$2,660,000 have been budgeted within Account 54220 (Architectural/Engineering Design Services), Center 1172, Program 000, Project No. 2573200. Future fiscal year funding will be requested as part of the annual budgeting process, subject to Board approval.

The Harbor Department's financial commitments for the proposed agreement beyond the current fiscal year are contingent upon approval of funds by the Board. If any subsequent fiscal year funds are not appropriated by the Board for the work required by this Agreement, then the Agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred. A funding out clause is included in this Agreement.

**CITY ATTORNEY:**

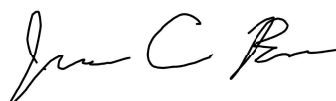
The Office of the City Attorney has reviewed and approved the proposed Agreement as to form and legality.

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**TRANSMITTALS:**

1. Site Map – Navy Way and Seaside Avenue Interchange Improvements Project
2. Agreement between the City of Los Angeles and Mark Thomas & Company, Inc.
3. Final Evaluation Summary

FIS Approval: JS  
CA Approval: SO



JAMES C. BROWN, P.E.  
Chief Harbor Engineer



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APPROVED:

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