



THE PORT
OF LOS ANGELES
Executive Director's
Report to the

Board of Harbor Commissioners

DATE: DECEMBER 6, 2022

FROM: CONSTRUCTION

**SUBJECT: RESOLUTION NO. _____ -
APPROVAL OF PERSONAL SERVICES AGREEMENT WITH
FOUNTAINHEAD CONSULTING CORPORATION
CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR
STATE ROUTE 47/VINCENT THOMAS BRIDGE & FRONT STREET/
HARBOR BOULEVARD INTERCHANGE RECONFIGURATION**

SUMMARY:

Staff requests approval of personal services agreement (Agreement) with Fountainhead Consulting Corporation (Fountainhead) to provide construction management support services for the State Route 47/Vincent Thomas Bridge & Front Street/Harbor Boulevard Interchange Reconfiguration project (Project). Services will include but not limited to, construction management, scheduling, cost estimating, structural observation, source inspection, materials testing, public outreach and coordination with stakeholders. Fountainhead is located at 2400 East Katella Avenue, Suite 800, Anaheim, CA 92806. The Agreement is for a five-year term in the amount of \$6,617,073. Up to \$4,800,000 of the Agreement amount will be reimbursed under the Los Angeles County Metropolitan Transit Authority (LACMTA) grant and the remaining cost will be the responsibility of the Harbor Department.

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;

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2. Find that, in accordance with the Los Angeles City Charter Section 1022, work under the subject Agreement can be performed more feasibly by an independent consultant, and is necessary due to current employees committed to other assignments, and a need for freeway construction expertise;
3. Award the five-year Agreement to Fountainhead in the amount of \$6,617,073; and authorize the payment from the Construction Management Services account;
4. Direct the Board Secretary to transmit the proposed Agreement to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;
5. Authorize the Executive Director to execute and the Board Secretary to attest to this Agreement for and on behalf of the Board; and
6. Adopt Resolution No. _____.

DISCUSSION:

Background and Context – The Project is located within the boundaries of Knoll Drive to the north, Swinford Street to the south, Front Street to the east and the I-110/SR-47 Freeway interchange to the west as shown in the site map (Transmittal 1). The Project will modify the existing on and off ramps of the SR-47/Vincent Thomas Bridge and Front Street/Harbor Boulevard interchange to improve safety, access, and efficiency of operations in and around the Port of Los Angeles complex.

The Project has an estimated construction cost of \$80,000,000 and is anticipated to be advertised in June 2023. Construction is anticipated to start in December 2023. This Project has received the following grant funding: \$13,383,000 from the California Senate Bill 1 and National Highway Freight Program via the Trade Corridor Enhancement Program; \$9,880,000 from the United States Department of Transportation Maritime Administration; and \$46,440,000 from the LACMTA.

On November 17, 2015, the Board approved Cooperative Agreement 07-5049 between the Harbor Department and Caltrans in the amount of \$150,000, to develop the Project Study Report for the Project.

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On November 17, 2015, the Board awarded Agreement 15-3369 in the amount of \$999,999 to AECOM through Resolution No. 15-7888, to provide engineering and environmental services for the Project.

On June 15, 2017, the Board approved Cooperative Agreement No. 07-5120 between the Harbor Department and Caltrans to develop the Project Approval and Environmental Document (PA&ED) for the Project.

On November 1, 2018, the Board approved Cooperative Agreement No. 07-5164 between the Harbor Department and Caltrans to develop Plans, Specifications, and Estimates (PS&E) for the Project.

On November 15, 2018, the Board awarded Agreement No. 18-3618 in the amount of \$2,999,986 to Mark Thomas & Company through Resolution No. 18-8391 to prepare Caltrans PS&E for the Project.

On May 16, 2019, the Board approved Amendment No.1 to Cooperative Agreement No. 07-5164 to correct the name of the Environmental Document from a Categorical Exemption to a Negative Declaration/Finding of No Significant Impact.

On April 15, 2021, the Board approved the Trade Corridor Enhancement Program (TCEP) Baseline Agreement between City of Los Angeles Harbor Department and the California Transportation Commission to receive \$13,383,000 in Senate Bill 1 TCEP funds and authorized the Environmental Management Division to file the Notice of Determination for the Project.

On June 23, 2021, the Board approved Amendment No. 2 to Agreement No. 18-3618 with Mark Thomas & Company to add four years to term of the agreement.

On June 23, 2022, the Board approved Amendment No. 2 to Measure R Funding Agreement No. 90000000MR312.32 between the City of Los Angeles Harbor Department and the LACMTA for the Project.

On July 14, 2022, the Board approved issuance of Level I Coastal Development Permit No. 22-05 to the Port of Los Angeles for the Project.

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On July 14, 2022, the Board approved Caltrans Cooperative Agreement No. 07-5257 between the City of Los Angeles Harbor Department and the State of California Department of Transportation to manage the construction of the Project.

The proposed Agreement (Transmittal 2) is for construction management support services during the construction of the Project. The term of the proposed Agreement is five years.

Harbor Department Construction Division staff, particularly those with freeway construction experience and expertise, are not available to adequately support this Project. Fountainhead, providing staff augmentation, will be led by a Construction Division staff member. Staff also reached out to other City of Los Angeles (City) departments performing these services and found that City staff is unavailable to support this Project. Consultant services are therefore required to provide freeway construction management expertise and augment Harbor Department construction management staff.

Scope of Services – Consultant services will include, but are not limited to, construction management, scheduling, cost estimating, document control, structural observation, source inspection, materials testing, public outreach, and coordination with stakeholders.

Selection Process – A Request for Proposals to perform construction management services for the construction of the Project was advertised and published on the Port of Los Angeles website on March 2, 2022, and posted on the City's Regional Alliance Marketplace for Procurement (RAMP). The following five firms submitted proposals on April 6, 2022:

- Anser Advisory Management, LLC (Santa Ana, CA)
- Berg & Associates, Inc. (San Pedro, CA)
- Fountainhead Consulting Corporation (Anaheim, CA)
- Jacobs Project Management Co. (Los Angeles, CA)
- Psomas (Santa Ana, CA)

An evaluation committee consisting of members from the Construction and Engineering Divisions and Caltrans evaluated the proposals. After evaluation, all five firms were invited to deliver a presentation of their proposal to, and answer specific questions from the evaluation committee.

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The evaluation committee interviewed the five firms on June 6, 2022, and selected Fountainhead as the most qualified team to provide construction management support services for the Project because of their extensive Caltrans freeway construction experience, good understanding of project scope and issues, and good understanding of community and local issues. Transmittal 3 shows the consultant rankings and evaluation. Transmittal 4 provides the work description for Fountainhead and their sub-consultants.

Small Business Enterprise (SBE) and Very Small Business Enterprise (VSBE) Program, and Sub-Consultant Participation – The Harbor Department had set a minimum SBE participation level of 25%, of which 5% shall be VSBE participation. Since Fountainhead is a SBE, the SBE participation level will be 100%. Fountainhead has committed to a VSBE participation level of five percent. Their sub-consultants are:

- AECOM
- Costin Public Outreach Group, Inc.
- Global Leadership Alliance Corporation
- Kleinfelder
- Lenax Construction Services
- The Morcos Group (VSBE)

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval to execute the Agreement with Fountainhead to provide construction management support services for the Project, which is an administrative action. 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 Agreement will authorize a maximum Harbor Department contribution of \$6,617,073 for construction management services for the Project. Approximately \$2,692,800 of the contract amount is on a fixed fee basis, with approximately \$3,924,273 of services to be compensated on an hourly basis through individual subtask project directives.

Funds in the amount of \$30,000 are budgeted for FY 2022-2023 in Account No. 54225 (Construction Management Services), Center No. 1172, and Program No. 000. Funds are anticipated to be expended as follows:

FY 2022-2023	\$ 30,000
FY 2023-2024	\$ 1,000,000
FY 2024-2025	\$ 2,160,000
FY 2025-2026	\$ 2,220,000
FY 2026-2027	\$ 1,207,073
TOTAL	\$ 6,617,073

Funds for future fiscal years will be requested and budgeted as part of the annual budget process, upon Board Approval.

Although Fountainhead is not obligated to perform any work under the Contract in any fiscal year in which no appropriation for the Contract has been made, the consultant agrees to resume performance of the work required by the Contract on the same terms and conditions for a period of 60 days after the end of the fiscal year if an appropriation therefore is approved within that 60-day period. The consultant is responsible for maintaining all insurance and bonds during this 60-day period. The time for performance shall be extended during this period until the appropriation is made; however, such extension of time is not compensable.

If in any subsequent fiscal year funds are not appropriated for work required by the Contract, the consultant shall be terminated. However, such termination shall not relieve the parties of liability for any obligation previously incurred.

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CITY ATTORNEY:

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

TRANSMITTALS:

1. Site Map
2. Agreement between City of Los Angeles and Fountainhead Consulting Corporation
3. Final Evaluation and Rankings
4. Consultant and Sub-consultant Rankings

FIS Approval: MB

CA Approval: SO



SHAUN SHAHRESTANI
Chief Harbor Engineer



ANTONIO V. GIOIELLO, P.E.
Deputy Executive Director

APPROVED:

Marla Bleavins For

EUGENE D. SEROKA
Executive Director

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