

HARBOR DIVISION

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**DATE: SEPTEMBER 4, 2013**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ FIRST AMENDMENT TO  
AGREEMENT NO. 3132 BETWEEN THE CITY OF LOS ANGELES AND  
DOCUMENT TECHNOLOGIES LLC**

**SUMMARY:**

The Office of the City Attorney requests approval of a First Amendment (First Amendment) to Agreement for Professional Services No. 3132 (Agreement No. 3132) between the City of Los Angeles Harbor Department (Harbor Department) and Document Technologies LLC dba DTI, increasing the Agreement authority by \$137,280 to an amount not to exceed \$207,280 for electronic discovery and document services. Funding for the proposed First Amendment has not been budgeted in the Fiscal Year (FY) 2013-14 Operating Budget, however there are funds available within the Harbor Department City Attorney's Office Account No. 54410, Division No. 0120 and Program No. 000. A total of \$137,280 can be committed for the proposed First Amendment.

**RECOMMENDATION:**

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

1. Approve the First Amendment to Agreement No. 3132 between the City of Los Angeles and Document Technologies LLC increasing the Agreement authority by \$137,280 to an amount not to exceed \$207,280;
2. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No. 3132;

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 3132 WITH DOCUMENT TECHNOLOGIES

3. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context - On June 6, 2013, the Board authorized Agreement No. 3132 for legal services between the City of Los Angeles and Document Technologies LLC (DTI). DTI was among two firms selected using a competitive Request for Proposals (RFP) process. Agreement No. 3132 included a three-year term (June 18, 2013 to May 17, 2016) and a not-to-exceed amount of \$70,000. The scope of work was for performing discovery and document services involving forensic preservation, collection of electronic data such as emails and documents, the creation of databases to manage and review this electronic information, and more traditional document services such as scanning and photocopying in large volumes.

DTI - The initial contract authority was allocated anticipating the need for electronic discovery services related to the Southern California International Gateway (SCIG) project. A total of \$50,000 was budgeted for FY 13-14, leaving \$20,000 of the remaining \$70,000 authority for use in subsequent fiscal years, upon Board approval of funding. As of July 30, 2013, \$33,448.65 of the \$50,000 budgeted has been expended.

First Amendment - The Office of the City Attorney requests approval of a First Amendment for Professional Services between the City and DTI, to increase compensation by \$137,280 to an amount not to exceed \$207,280 (Transmittal 1). The scope of work under the First Amendment is to assist the Office of the City Attorney with legal challenges to the Environmental Impact Report for the SCIG project. Further explanation of the proposed scope of work to be performed under the First Amendment is set forth in a separate privileged and confidential legal memorandum from our Office to the Board.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of the First Amendment to Agreement for Professional Services No. 3132 with DTI to increase the Agreement authority by \$137,280. 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.

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**ECONOMIC IMPACT:**

Approval of the proposed First Amendment will support 3 direct and 1 secondary one-year equivalent jobs for the five-county region.

**FINANCIAL IMPACT:**

The proposed action is for the approval of a First Amendment to Agreement No. 3132, to increase compensation by \$137,280 for a total amount not to exceed \$207,280. A total \$187,280 is expected to be expended during FY 13-14 of which \$50,000 is allocated for DTI in the FY 13-14 adopted operating budget (Harbor Department City Attorney's Office Account No. 54410, Division 0120, Program No. 000). The remaining \$137,280 was made available through a transfer of funds from the Environmental Management Division to the City Attorney's Office. Due to the transfer, there are funds available within the Harbor Department City Attorney's Office Account No. 54410, Division No. 120 and Program No. 000. A total of \$137,280 can be committed for the proposed First Amendment to cover additional expenses for FY 2013-14.

Funding for future fiscal years in the amount of \$20,000 total 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. 3132. The schedule of anticipated compensation payable is broken down by fiscal year is as follows:

FY 2013-14	\$187,280
FY 2014-15	\$10,000
FY 2015-16	\$10,000
<b>NOT TO EXCEED TOTAL</b>	<b>\$207,280</b>

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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. 3132 with Document Technologies LLC

FIS Approval:  (initials)

CA Approval:  (initials)

  
\_\_\_\_\_  
MINAH PARK  
Deputy City Attorney

  
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JANNA B. SIDLEY  
General Counsel

APPROVED:

By   
\_\_\_\_\_  
GERALDINE KNATZ, Ph.D.  
Executive Director

Author: K. Hee