

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, SEPTEMBER 3, 2009 AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS
President Cindy Miscikowski
Vice President Jerilyn López Mendoza
Commissioner Kaylynn L. Kim
Commissioner Douglas P. Krause
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS OF
THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD IN
CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC
COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS LIMITED
EACH INDIVIDUAL'S SPEAKING TIME TO THREE MINUTES.
ANYONE DESIRING TO SPEAK DURING THE PUBLIC COMMENT
PERIOD IS REQUESTED TO COMPLETE A SPEAKER CARD AND
SUBMIT IT TO THE COMMISSION SECRETARY, VIA THE
SERGEANT AT ARMS, PRIOR TO THE START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 4)

Construction

1. Re: RESOLUTION NO. _____ - CHANGE ORDER NO. 1
ADJUST DREDGE DISPOSAL BID ITEM QUANTITIES
BERTHS 145-147 WHARF IMPROVEMENTS/TRA PAC
TERMINAL CONTRACTOR: MANSON CONSTRUCTION CO.
SPECIFICATION NO. 2605 – CONTRACT NO. 2258

SUMMARY: Change Order No. 1 (Transmittal No. 1) to Contract No. 2258 will cover additional cost to change disposal locations for a portion of the dredge material for the TraPac (Berths 145-147) project. The change is necessary to comply with the provisions of the U.S. Army Corps of Engineers (Army Corps) Permit that requires the contractor, Manson Construction Co. (Manson), to dispose of 28,600 cubic yards of dredge material at the Anchorage Road upland disposal site, instead of disposing this material at the Ocean Disposal Site (LA-2) as originally required. Change Order No. 1 will increase the contract amount by \$663,400.

Recommendation: Board resolve to (1) approve Change Order No. 1 to Contract No. 2258 with Manson increasing the cost by a not to exceed amount of \$663,400; (2) authorize the Executive Director to execute and the Board Secretary to attest to Change Order No. 1 for and on behalf of the Board; and (3) adopt Resolution No. _____.

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2. Re: RESOLUTION NO. _____ - AWARD OF CONSTRUCTION
CONTRACT CONTRACTOR: DAN COPP CRUSHING
CORPORATION ASPHALT CONCRETE RECYCLING
PROGRAM 2009-2011 SPECIFICATION NO. 2634

SUMMARY: *The City of Los Angeles Harbor Department's (Harbor Department) crushing program provides for the re-use/recycling of construction debris that otherwise would be disposed of at a landfill. The program consists of crushing salvaged concrete and asphalt concrete rubble into crushed miscellaneous base (CMB) for reuse under new asphalt and concrete pavements throughout the Harbor. This contract is part of the Harbor Department's sustainable design and construction policies and practices to recycle and reuse materials to protect the environment. The Harbor Department published and received eight bids for this contract. The lowest responsive bidder is Dan Copp Crushing Corporation, located in Anaheim, California. The contract amount is \$1,815,650, and the contract duration is 730 calendar days.*

Recommendation: Board resolve to (1) adopt Resolution No. _____ to award the referenced contract for Item Nos. 1 through 13 of the proposal schedule to Dan Copp Crushing Corporation in the amount of \$1,815,650 and authorize payment from the Construction Account. The contract time for performance of the work will be 730 calendar days from the Notice to Proceed; (2) authorize the Executive Director to execute and the Board Secretary to attest to this contract for and on behalf of the Board; and (3) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

3. Re: RESOLUTION NO. _____ - AUTHORITY FOR ADJUSTMENT
NO. 3 AND SUPPLEMENTAL AGREEMENT NO. 1
CONTRACTOR: DYNALECTRIC
BERTHS 302-305 TERMINAL LIGHTING UPGRADE EAGLE
MARINE SERVICES TERMINAL SPECIFICATION NO. 2688A –
CONTRACT NO. 2252

SUMMARY: *On February 7, 2008, the Board of Harbor Commissioners awarded the Berths 302-305 Terminal Lighting Upgrade project to Dynalectric, Los Alamitos, California, in the amount of \$2,617,773 to replace existing light fixtures on 82 high mast light poles throughout the Eagle Marine Services Terminal (Eagle Marine Terminal) with light fixtures that reduce the amount of glare coming from the terminal due to community concerns. Authority for Adjustment (AFA) No. 3 will adjust the bid item quantities, and defer construction of a portion of the project to minimize impacts to the tenant's operations, decreasing the contract amount by \$769,331. The deferred portion of the work will be performed*

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3. (Continued)

as part of the Eagle Marine Terminal's expansion anticipated to start construction in Fiscal Year 2011/2012.

Recommendation: Board resolve to (1) approve and authorize the Executive Director to execute AFA No. 3 (Transmittal No. 1), which decreases the contract amount by \$769,331; (2) approve and authorize the Executive Director to execute Supplemental Agreement No. 1 (Transmittal No. 3) to change the limit on decreasing the contract price from 25% to 28%; and (3) adopt Resolution No. _____.

Port Police

4. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT TO GALLS, AN ARAMARK COMPANY, LLC, BID NO. F-637, CONTRACT NO. 39499, FOR THE PURCHASE OF POLICE UNIFORMS, ACCESSORIES AND EQUIPMENT

SUMMARY: *The Los Angeles Port Police is requesting approval to enter into a contract with Galls, an Aramark Company LLC (Galls), Signal Hill, CA, for a period of one year, with two subsequent one year renewal options, to purchase police uniforms, accessories and equipment required for outfitting Port Police personnel conducting daily business operations. The contract is based on a cooperative arrangement with the City of Los Angeles' General Services Department (General Services) for use of Contract Nos. 57889 and 57892 with Galls, which will be effective through May 31, 2012. Utilization of the General Services contract provides significant cost savings, ranging from 20 to 30 percent, based on the item being purchased, due to the dollar magnitude of the overall contract.*

Recommendation: Board resolve to (1) award Contract No. 39499 (Bid No. F-637), in the amount of \$250,000 for the purchase of police uniforms, accessories and equipment to Galls of Signal Hill, California, for an initial period of one year, with two subsequent renewal options not to exceed May 31, 2012; (2) authorize the Executive Director or designee to approve each subsequent renewal option at her discretion; (3) authorize the Executive Director or designee to execute and the Board Secretary to attest to the contract; and (4) adopt Resolution No. _____.

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REGULAR ITEMS (5 - 9)

Construction

5. Re: RESOLUTION NO. _____ - AWARD OF CONSTRUCTION
CONTRACT CONTRACTOR: GRIFFITH/DUTRA JOINT
VENTURE, BERTH 102 WHARF AND BACKLAND
IMPROVEMENTS CHINA SHIPPING TERMINAL
SPECIFICATION NO. 2696

SUMMARY: The Berth 102 Wharf and backland project will provide an additional berthing facility at Berth 102, 18 acres of adjacent backland, and a new access bridge as part of the next phase of the China Shipping development program. These improvements will increase cargo through the terminal and generate additional revenues while at the same time incorporating air quality improvement measures required under the San Pedro Bay Ports Clean Air Action Plan. The lowest responsive bidder is Griffith/Dutra Joint Venture, located in Santa Fe Springs, California. The contract amount is \$47,629,680, and the contract duration is 450 calendar days. This contract is subject to the conditions of a Project Labor Agreement.

Recommendation: Board resolve to (1) find and determine that a Project Labor Agreement (PLA) among the City of Los Angeles Harbor Department (Harbor Department), the Los Angeles/Orange Counties Building and Construction Trades Council, and contractors working on the project, is appropriate and shall be issued for the Berth 102 Wharf Improvements project, in that the PLA will promote labor stability and advance the City of Los Angeles' interest in lowest cost efficiency, quality, safety, local hiring, and timeliness; (2) adopt Resolution No. _____ to award the referenced contract for Item Nos. 1 through 46 of the proposal schedule to Griffith/Dutra Joint Venture (Griffith/Dutra JV) in the amount of \$47,629,680 and authorize payment from the Construction Account. The contract time for performance of the work will be 450 calendar days from the Notice to Proceed; (3) authorize the Executive Director to execute and the Board Secretary to attest to this contract for and on behalf of the Board; and (4) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

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Engineering Division

6. Re: RESOLUTION NO. _____ PERSONAL SERVICES AGREEMENT FOR ON-CALL TERMINAL PLANNING AND DESIGN CONSULTING SERVICES BETWEEN THE CITY OF LOS ANGELES, HARBOR DEPARTMENT AND AECOM USA, INC. AND HALCROW, INC.

SUMMARY: The subject Agreements between the City of Los Angeles Harbor Department (Harbor Department) and AECOM USA, Inc. – Oakland, California; and Halcrow, Inc. – Long Beach, California (Consultants) will provide on-call, as-needed terminal planning, and design support services. This action will authorize two professional services Agreements (AECOM USA, Inc. and Halcrow, Inc.) for three-year terms in the amount of \$1,500,000 each, for a total of \$3,000,000.

Recommendation: Board resolve to (1) find that in accordance with the City Charter Section 1022, work under the subject Agreements is temporary in nature and can be performed more feasibly by independent consultants rather than by City employees; (2) approve the subject three-year Agreements with AECOM USA, Inc. and Halcrow, Inc.; for a total amount not-to-exceed \$3,000,000 (not-to-exceed amount of \$1,500,000 for each Agreement); (3) authorize the Executive Director to execute and the Board Secretary to attest to said Agreements for and on behalf of the Board; and (4) adopt Resolution No. _____.

7. Re: RESOLUTION NO. _____ - PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE LOS ANGELES DEPARTMENT OF WATER AND POWER FOR INSTALLATION OF SOLAR POWER SYSTEMS

SUMMARY: Staff recommends approval of a Memorandum of Understanding between the City of Los Angeles Harbor Department (Harbor Department) and the City of Los Angeles Department of Water and Power (LADWP) under which LADWP will install solar power systems generating nine megawatts on roofs and other property owned by the Harbor Department as part of the Harbor Department's 10 Megawatt Solar Energy Program. This Memorandum of Understanding with LADWP (LADWP MOU) sets out the general framework for future Letters of Agreement covering specific projects that will require future Board of Harbor Commissioners' approval. LADWP will pay the costs of installation and will own and receive the power generated by the systems. The term of the LADWP MOU and of the Letters of Agreement for each project is 30 years. The Harbor Department has certain options to purchase the systems from LADWP in the future, if deemed advisable and with subsequent Board of Harbor Commissioners' (Board) approval.

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7. (Continued)

Projects under this LADWP MOU will help fulfill the Harbor Department's obligations pursuant to the MOU between the State of California, the Office of the Mayor of the City of Los Angeles, and the City of Los Angeles Harbor Department Creating a Partnership to Reduce Greenhouse Gases and Support the Port of Los Angeles Clean Air Action Plan ("State MOU") under which the Harbor Department committed to installing 10 megawatts of solar power. A Harbor Department project, designed to produce one megawatt of solar power, is currently in construction at the Berths 93A & B Cruise Terminal and is not covered under this LADWP MOU.

Recommendation: Board resolve to (1) approve the LADWP MOU for the installation of solar power systems on Harbor Department property in substantial form (Transmittal No. 1) and authorize the Executive Director to finalize the LADWP MOU; (2) authorize the Executive Director to execute and the Board Secretary to attest to the LADWP MOU for and on behalf of the Board, once finalized by both Departments; and (3) adopt Resolution No. _____ approving the MOU.

Real Estate

8. Re: RESOLUTION NO. _____ - PROPOSED TERMINATION OF AGREEMENT NO. 2622 BETWEEN THE LOS ANGELES HARBOR DEPARTMENT AND MERIDIAN MANAGEMENT CORPORATION

SUMMARY: *Under Agreement No. 2622 (Agreement), effective February 20, 2008, for a three-year term, Meridian Management Corporation (Meridian) provides building engineering services for various Los Angeles Harbor Department (Harbor Department) buildings including the Harbor Administration Building, Liberty Hill Plaza, 250 West Fifth Street, and the U.S. Customs Building. As a cost savings measure, the Harbor Department proposes to utilize Construction and Maintenance Division (C&M) staff to perform the work covered under the Agreement effective October 1, 2009.*

The Agreement provides the Board of Harbor Commissioners (Board) with the right to terminate the Agreement with a Ten-Day Notice of Termination for any reason. Staff recommends that the Board exercise this right in order to terminate the Agreement effective September 30, 2009.

Recommendation: Board resolve to (1) approve the termination of the Agreement with Meridian; (2) authorize the Executive Director to provide Ten-Day Notice of Termination to Meridian, effective September 30, 2009; and (3) adopt Resolution No. _____.

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Homeland Security

9. Re: RESOLUTION NO. _____ - PURCHASE ORDER
CHANGE AND COMPLETION OF AWARD OF CONTRACT NO.
39380 WITH DULY RESEARCH INC., FOR THE PURCHASE OF
A MOBILE LINEAR ACCELERATOR X-RAY SCANNING UNIT,
BID NO. F-537

SUMMARY: The Homeland Security Division is recommending the completion of the award of a contract with DULY Research Inc. (DULY Research) of Rancho Palos Verdes, CA, a representative of Nuctech Inc. (Nuctech) of Beijing, China, for the purchase of a Mobile Scanning Unit. Payment under the contract was withheld when the Homeland Security Division recommended cancellation of the purchase contract on February 5, 2009. This was a result of contract compliance issues that were identified after delivery of the mobile scanning unit to the Port of Los Angeles (Port) on July 8, 2008. However, the Board of Harbor Commissioners (Board) postponed voting on the matter in order to allow additional time for DULY Research to resolve the issues identified. The issues have been resolved and payment and completion of the award is now recommended. The total cost of the vehicle is \$2,467,729 of which \$1,483,733 will be reimbursed by federal grant funding. The Harbor Department's portion of the funding is \$983,995.

Recommendation: Board resolve to (1) approve the Purchase Order Change amount of \$33,728 for the payment of the higher sales tax rate effective July 1, 2009; (2) authorize staff to complete the purchase of the mobile scanning unit pursuant to Contract No. 39380 for a total purchase price of \$2,467,729 which includes the Purchase Order Change amount of \$33,728; and (3) adopt Resolution No. _____.

G. PRESENTATIONS

Freight Rates, Shipping Costs & Port Fee's – Michael DiBernardo

Inner Harbor Cruise Terminal Improvements

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H. CLOSED SESSION

1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
2. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion with legal counsel concerning significant exposure to litigation [one (1) potential case], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.
4. Instructions to negotiators relating to lease negotiations with APM Terminals Pacific Ltd. concerning Permit No. 827, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for APM Terminals Pacific Ltd. will be Alan McCorkle. The negotiator for the Port of Los Angeles will be Kathryn McDermott.
5. Evaluation of Executive Director pursuant to Section 54957 of the California Government Code.