



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JANUARY 22, 2020

FROM: PORT PILOTS

SUBJECT: RESOLUTION NO. _____ - FIRST AMENDMENT TO AGREEMENT NO. 15-3367 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE UNITED STATES DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL OCEAN SERVICE CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES FOR AIR GAP MEASUREMENT SYSTEM INSTALLATION, OPERATIONS AND MAINTENANCE

SUMMARY:

Staff requests approval of a First Amendment to Agreement No. 15-3367 (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA) National Ocean Service (NOS) Center for Operational Oceanographic Products and Services (CO-OPS), for the installation, operation and maintenance of an air gap measurement system on the Vincent Thomas Bridge. Agreement No. 15-3367 is for a five-year term that currently expires on December 31, 2020 for a total not-to-exceed amount of \$135,459.

The proposed First Amendment will revise Agreement No. 15-3367 to align the dates for the periods of operation and maintenance with the 2018 installation date of the air gap sensor (AGS) equipment, thereby extending the end date of the original Agreement, two and a half years, to July 31, 2023. The Amendment will also update the points of contact for both the current Harbor Department and NOAA staff and corresponding appendices. The proposed First Amendment will not change the \$135,459 not-to-exceed amount. Expenses incurred under the Agreement will continue to be the financial responsibility of the Harbor Department.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed activity is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Class 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the Los Angeles City Charter Section 1022, it is more feasible for outside contractors to perform this work than City employees;

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3367

3. Approve/Ratify the First Amendment to Agreement No. 15-3367 between the City of Los Angeles Harbor Department and the United States Department of Commerce National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services signed by the Executive Director on January 7, 2020;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the said First Amendment for and on behalf of the Board; and
5. Adopt Resolution No. _____

DISCUSSION:

Background – At its meeting on November 23, 2015, the Board of Harbor Commissioners (Board) approved Agreement No. 15-3367, between the Harbor Department and NOAA/NOS/CO-OPS, to install, operate and maintain an air gap measurement system on the Vincent Thomas Bridge. The Agreement approved a five-year term that commenced on January 8, 2016 and expires on December 31, 2020. The Agreement provides a total not-to-exceed amount of \$135,459 for the purchase, installation, operation and maintenance of AGS equipment and access to the collected data for a period of five years.

The AGS measures the distance from the lowest point of center steel on the Vincent Thomas Bridge to the water surface below the bridge at all stages of the tide. The measurements are displayed in real-time on the NOAA Physical Oceanographic Real Time System (PORTS®) website. The Los Angeles Pilot Service uses the real-time information to determine when it is safe for Ultra Large Container Vessels to pass under the Vincent Thomas Bridge. The information supplied by the AGS is critical to safe operations within the Port.

Need for First Amendment – Subsequent to the approval of the Agreement, NOAA worked diligently with the Harbor Department and CalTrans to; develop an acceptable engineering design plan for the AGS; secure a CalTrans encroachment permit for the Vincent Thomas Bridge; conduct appropriate environmental compliance analyses; and obtain U.S. Coast Guard (USCG) approval for over-the-water installation. NOAA's original 2016 estimate for obtaining the necessary permits was 90-120 days from the enactment of the Agreement. The actual permitting process took 29 months to complete (CalTrans - 22 months, USCG - 7 months). The AGS installation took place in May 2018 and after extensive testing, was declared operational on August 9, 2018.

Since the AGS installation took place over two years following the enactment of the Agreement, the start and end dates of the operation and maintenance (O&M) periods, points of contact for the Harbor Department and NOAA, and corresponding parts of the

appendices listed in the original Agreement, are no longer valid. The proposed First Amendment will update both the points of contact and corresponding appendices, and

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3367

align the five O&M periods with the August 2018 start date of the AGS. Therefore, the expiration of the Agreement should be extended to July 31, 2023. There will be no changes to the other overall terms of the Agreement.

The following table summarizes the proposed changes to the O&M periods along with the payment schedule:

Task	Original Performance Period	Amended Performance Period	Cost
Equipment Installation	Upon Enactment of the Agreement	Upon Enactment of the Agreement	\$ 60,000
Per. 1 – O&M	Upon Enactment thru December 31, 2016	Upon Enactment thru July 31, 2019	\$ 14,500
Per. 2 – O&M	January 1, 2017 thru December 31, 2017	August 1, 2019 thru July 31, 2020	\$ 14,790
Per. 3 – O&M	January 1, 2018 thru December 31, 2018	August 1, 2020 thru July 31, 2021	\$ 15,086
Per. 4 – O&M	January 1, 2019 thru December 31, 2019	August 1, 2021 thru July 31, 2022	\$ 15,388
Per. 5 – O&M	January 1, 2020 thru December 31, 2020	August 1, 2022 thru July 31, 2023	\$ 15,695
TOTAL			\$135,459

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of the First Amendment to Agreement No. 15-3367 between the City of Los Angeles Harbor Department and the United States Department of Commerce National Oceanic and Atmospheric Administration National Ocean Service, Center for Operational Oceanographic Products and Services, for the installation, operation and maintenance of an air gap measurement system on the Vincent Thomas Bridge, 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:

Approval of the First Amendment to Agreement No. 15-3367 will not result in any additional costs over the previously approved not-to-exceed amount of \$135,459. A payment of \$74,500 for the equipment, installation and Period 1 O&M, due upon enactment of the original agreement, was paid on March 14, 2016 from the Port Police Division, Account 54030 (Maintenance Services – Equipment), Center 0412, Program 000.

Payment for Period 2 O&M, in the amount of \$14,790, has been budgeted for Fiscal Year 2019/2020 within Account 54030; Center 0414, Program 000.

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3367

The payment schedule for each Fiscal Year for the not-to-exceed amount of \$135,459 is as follows:

Fiscal Year	Task	Amount	Status
2015/2016	Equipment & Installation	\$ 60,000	Paid 3/22/16
2015/2016	Per. 1 – O&M	\$ 14,500	Paid 3/22/16
2019/2020	Per. 2 – O&M	\$ 14,790	Pending Amendment Approval
2020/2021	Per. 3 – O&M	\$ 15,086	Yet to be Paid
2021/2022	Per. 4 – O&M	\$ 15,388	Yet to be Paid
2022/2023	Per. 5 – O&M	\$ 15,695	Yet to be Paid
Total		\$135,459	

Future year funds will be requested to be budgeted through the Harbor Department's annual budgeting process, upon Board approval.

CITY ATTORNEY:

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

TRANSMITTALS:

1. Agreement No. 15-3367
2. First Amendment to Agreement No. 15-3367
3. Receipt for Payment on Enactment of
4. Agreement No. 15-3367

FIS Approval: *MB*
 CA Approval: *[Signature]*

[Signature]
 DAVID C. FLINN
 Chief Port Pilot

[Signature]
 THOMAS E. GAZSI
 Chief of Public Safety and
 Emergency Management

APPROVED:

[Signature]
 EUGENE D. SEROKA
 Executive Director

DCF/jmk
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