



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

Board of Harbor Commissioners

DATE: June 14, 2023

FROM: ENGINEERING

SUBJECT: RESOLUTION NO. _____ – THIRD AMENDMENT TO AGREEMENT NO. 15-3348 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND SASAKI ASSOCIATES, INC. FOR THE ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE WILMINGTON WATERFRONT PROMENADE

SUMMARY:

Staff requests approval of a Resolution approving Amendment No. 3 to Agreement No. 15-3348 (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and Sasaki Associates, Inc. (Consultant) of Boston, Massachusetts, to provide planning, engineering, architectural design, landscape design, and bidding and design support during construction for the Wilmington Waterfront Promenade Project (Project).

The proposed Amendment will extend the term of the Agreement by one year from seven years and ten months currently to eight years and ten months as proposed. In addition, \$300,000 will be added to the Agreement which will increase the not-to-exceed compensation from \$3,690,000 currently to \$3,990,000 as proposed. Amendment No. 3 is required at this time in response to construction delays associated with the Project.

The Harbor Department will continue to be financially responsible for the payment of expenses incurred under the 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. Find that in accordance with the City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees;

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3. Approve Amendment No. 3 to Agreement No. 15-3348 between the City of Los Angeles Harbor Department and Sasaki Associates, Inc. for the Wilmington Waterfront Promenade Project (Project) utilizing the same Engineer of Record by adding \$300,000 to the compensation for a total not-to-exceed amount of \$3,990,000 and adding twelve months to the term of the agreement with a completion date of August 08, 2024;
4. Direct the Board Secretary to transmit Amendment No. 3 to Agreement 15-3348 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 said Amendment for and on behalf of the Board; and
6. Adopt Resolution No. _____.

DISCUSSION:

Background and Context

The Harbor Department continues its commitment to the community to revitalize the LA Waterfront. The Wilmington Waterfront Development Project (WWDP) Environmental Impact Report (EIR), certified on June 18, 2009, has set the framework for this development focusing on the Wilmington community.

The Project is located within the boundaries of railroad tracks to the north, the water's edge to the south, Avalon Boulevard to the east, and Fries Avenue to the west as shown in the site map (Transmittal 1). The Project provides a new waterfront promenade, pedestrian plaza, parking courts, restroom, picnic pier, playground, other public amenities, and the realignment of Water Street. Due to delays in construction of the Project, the anticipated construction will extend beyond the terms of this Agreement resulting in the need for Amendment No. 3 to Agreement No. 15-3348.

Amendment No. 3 will increase compensation for professional design services to provide design and construction support for the following main components:

1. Project elements that were added or changed including modifications to the Banning's Landing area, monument sign modifications, electrical modifications; and tidal step materials and design;

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2. Additional design coordination, field visits, and sketches in response to unforeseen items and conflicts in the field; and
3. On-going construction support during extended time of construction.

Amendment No. 3 will add twelve months to the term of the contract for a completion date of August 08, 2024. This will allow the same Engineer of Record to continue to provide design services during construction and the completion of record drawings reflective of the current project scope of work. The Project is scheduled to complete construction in August 2023 followed by as-built drawing review and record drawing preparation.

Scope of Services

Sasaki Associates, Inc. shall provide professional engineering services under this personal services agreement for the Project. The attached (Transmittal 2) includes updates to the contract term and compensation.

Amendment No. 3 extends design support services during construction and project closeout with the same Engineer of Record and adds professional services to the agreement to include future unforeseen engineering design work during construction.

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.

Contract Amount and Term

The original Agreement included Compensation for a not-to-exceed amount of \$3,190,000 over a term of three years.

Amendment No. 1 to the Agreement increased the term of the Agreement by four years for a total term of seven years. The Compensation remained at \$3,190,000.

Amendment No. 2 to the Agreement increased Compensation by \$500,000 for a total not-to-exceed amount of \$3,690,000 and added ten months to the term for a total term of seven years and ten months.

Proposed Amendment No. 3 to the Agreement increases the Compensation by \$300,000 for a total not-to-exceed amount of \$3,990,000 and adds twelve months to the term for a total term of eight years and ten months.

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Contract Requirements

Amendment No. 3 to the Agreement is in conformance with both the City Service Contract Worker Retention and Living Wage Ordinances.

Throughout the term of the Agreement, Sasaki Associates, Inc. will maintain compliance with the City of Los Angeles' (City) contracting requirements. Sasaki Associate, Inc.'s overall sub-consultant business enterprise proposal is 25.0% Small Business Enterprise (SBE) and Very Small Business Enterprise combined. This represents \$997,500 in services going to these various business enterprises.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of Amendment No. 3 to the Agreement with Sasaki Associates, Inc. to complete design support services for the Wilmington Waterfront Promenade 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.

FINANCIAL IMPACT:

Approval of Amendment No. 3 will extend the term of the Agreement by twelve months to August 8, 2024 and increase the total not-to-exceed amount by \$300,000 from \$3,690,000 to \$3,990,000. If Amendment No. 3 is approved, spending under the Agreement is expected to occur as follows:

FISCAL YEAR (FY)		AMOUNT
Prior Years:	\$	3,690,000
FY 2023/2024:	\$	275,000
FY 2024/2025		25,000
Total:	\$	3,990,000

Fiscal Year (FY) 2023/2024 funds in the amount of \$275,000 are available within Project No. 2533000, Account 54220 (Architectural/Engineering Design), Center 1040, Program 624. Future fiscal year funding will be requested as part of the annual budget adoption process, subject to Board approval. If any subsequent fiscal year funds are not appropriated by the Board for the work required by this Agreement, 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.

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CITY ATTORNEY:

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

TRANSMITTALS:

1. Site Plan
2. Third Amendment to Agreement No. 15-3348 (Draft)
3. Agreement No. 15-3348
4. First Amendment to Agreement No. 15-3348
5. Second Amendment to Agreement No. 15-3348

FIS Approval: MB
CA Approval: SO

Dina Aryan-Zahlan

DINA ARYAN-ZAHLAN, P.E.
Chief Harbor Engineer

Antonio V. Gioiello

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

APPROVED:

Marla Bleavins For

EUGENE D. SEROKA
Executive Director

Author: C. Castro

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