



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: DECEMBER 7, 2011

FROM: CONSTRUCTION

SUBJECT: RESOLUTION NO. _____ - FIRST AMENDMENT TO AGREEMENT NO. 09-2744 BETWEEN THE CITY OF LOS ANGELES AND ENV AMERICA INCORPORATED FOR ASBESTOS AND LEAD MANAGEMENT CONSULTANT – TIME EXTENSION

SUMMARY:

The existing Agreement No. 09-2744 (Agreement) with ENV America Incorporated (ENV), located in Long Beach, California, will expire on May 5, 2012. The First Amendment to the Agreement will extend the Agreement from three to six years. This time extension is necessary to provide for on-call asbestos/lead abatement consultant services. No additional compensation is being requested.

RECOMMENDATION:

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

1. Approve First Amendment to Agreement No. 09-2744, extending the term of the Agreement from three to six years;
2. Authorize the Executive Director to execute, and the Board Secretary to attest to said Amendment for and on behalf of the Board upon City Council approval;
3. Adopt Resolution No. _____;
4. Concur that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2(f) of the Los Angeles City CEQA Guidelines; and
5. Direct the Board Secretary to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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DISCUSSION:

Background - On May 6, 2009, the Board approved the Agreement with ENV for an on-call lead and asbestos consulting services for the various projects throughout the Port of Los Angeles (Port) for three years and a maximum compensation of \$1,000,000. As of October 28, 2011, \$228,831 has been spent with a remaining balance of \$771,168.

When the Agreement was approved by the Board, the Board found that in accordance with Charter Section 1022, the work proposed to be contracted could be performed more economically and feasibly by an independent contractor than by City employees. Since this postponed Amendment does not add a new labor component to the work, a new 1022 determination is not required.

Since May 6, 2009, ENV has been authorized to provide on-call lead and asbestos consultant services and has provided asbestos/lead site assessments, monitoring of asbestos/lead abatement for demolition and renovation projects throughout the Port and provided plans and specifications for asbestos/lead abatement work for inclusion in the City of Los Angeles Harbor Department (Harbor Department) construction contracts. To date 30 directives have been issued to ENV.

ENV is a small, local business with an office in Long Beach. To date, only 22.9% of the original Agreement amount has been spent due to a lower than anticipated workload. This is the first contract that ENV has had with the Harbor Department and they have performed all the tasks assigned to them on time and within budget. This contract extension will allow ENV to continue to provide services under this Agreement and achieve an ultimate workload that was expected at the start of the Agreement. ENV has also agreed to hold the same rates throughout the proposed three-year contract extension. A new Request for Proposals will be issued for consultant selection for these services upon the completion of this extended Agreement.

ENV is a small business enterprise (SBE), therefore making this Agreement 100% SBE. Subconsultants to ENV, all of which are small businesses, will perform approximately 28% of the work under this contract.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the First Amendment to Agreement with ENV to extend the Agreement for on-call asbestos and lead abatement consultant services from three to six years. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from 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 BENEFITS:

Approval of the proposed Agreement will have no employment impact.

FINANCIAL IMPACT:

No additional compensation is required at this time. As of October 28, 2011, \$228,831 has been spent. Planned expenditure for the remaining term of the Agreement is as follows:

FY 11/12:	\$ 50,000
FY 12/13:	\$360,584
FY 13/14:	\$360,584
Total	\$771,168

Future funding will be requested to be budgeted as part of the annual budget adoption process, upon Board approval.

CITY ATTORNEY:

The City Attorney has approved the Agreement and the First Amendment as to form and legality.

TRANSMITTAL:

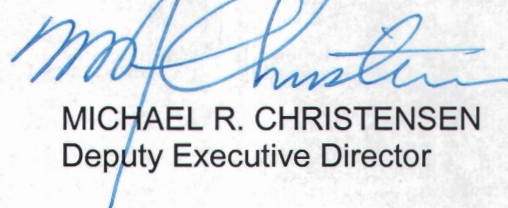
1. First Amendment between the City of Los Angeles Harbor Department and ENV America Incorporated

FIS Approval: ey (initials)

CA Approval: M (initials)

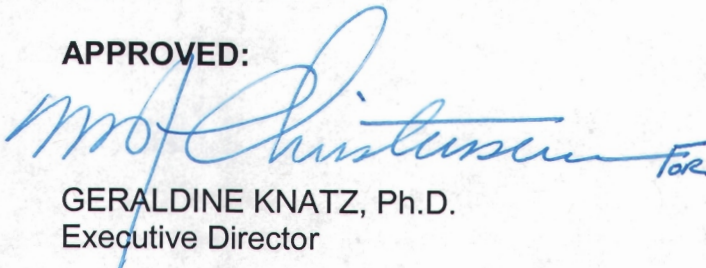


SHAUN SHAHRESTANI
Chief Harbor Engineer
Construction Division



MICHAEL R. CHRISTENSEN
Deputy Executive Director

APPROVED:



GERALDINE KNATZ, Ph.D.
Executive Director

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