



THE PORT
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: NOVEMBER 6, 2023

FROM: CONSTRUCTION AND MAINTENANCE

SUBJECT: RESOLUTION NO. _____ - AWARD OF PERSONAL SERVICES AGREEMENT WITH WET FOR MAINTENANCE OF THE SAN PEDRO GATEWAY WATER FEATURES

SUMMARY:

Staff requests approval of a personal services agreement with WET of Sun Valley, California, for the maintenance of proprietary equipment of the Harbor Gateway water features. The agreement term is one year with two one-year renewal options. Compensation under the agreement will be \$427,053 for the initial year, \$427,053 in the first renewal option, and \$427,051 in the second renewal option. The total amount of the agreement will not exceed \$1,281,157 over three years if both options are exercised. Payment of expenses incurred under the proposed Agreement will be the financial responsibility of the City of Los Angeles Harbor Department (Harbor Department).

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 and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) and Article III Class 1 (1) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with Los Angeles City Charter Section 1022, work under the subject agreement can be performed more feasibly by independent contractors than by City employees;
3. Approve an agreement with WET for a term of one year with two, one-year renewal options with an annual compensation amount not to exceed \$427,053 in the first year; not to exceed \$427,053 in the first renewal option year; and not to exceed \$427,051 in the second renewal option year for a total compensation amount not to exceed \$1,281,157 if both renewal options are exercised;
4. Authorize the Executive Director to execute and the Board Secretary to attest to said agreement for and on behalf of the Board; and
5. Adopt Resolution No. _____.

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DISCUSSION:

Background/Context – The Harbor Department's Construction & Maintenance Division (C&M) is responsible for the maintenance and operation of the San Pedro Gateway water features: the Fanfare Fountain located at the southeast corner of Harbor Boulevard and Swinford Street, the Reflection Pool located at the northeast corner of Harbor Boulevard and Swinford Street, and the Interactive Fountain located along the Harbor Boulevard Promenade in San Pedro, CA. Each water feature includes proprietary equipment designed and manufactured by WET that control the fountain shows. These items are under a patent without expiration and therefore precludes entities other than WET from operating, repairing, or maintaining this equipment.

The fountains were taken out of service in October 2019 for new waterproofing and for maintenance of the non-proprietary fountain equipment (water circulation and filtration). During the waterproofing process, small cracks were found in the Fanfare and Reflection fountain basins that caused complications with the application and adhesion of the waterproofing products. After several attempts were made to correct the problem, the only solution was to remove the initial waterproofing product and apply an alternative. The waterproofing and crack repairs were eventually completed in November of 2021.

During this time, the maintenance and repair of the non-proprietary operational equipment such as water pumps, air compressors, dryers, and filtration systems was taking place. The COVID 19 pandemic severely impacted the repairs on the water quality systems due to staffing limitations and parts availability. In November 2022, the water system repairs were finally completed, and the fountains were refilled with water.

Staff requests approval of an agreement with WET for operational and maintenance services for the proprietary programming system, Variable Frequency Drives (VFD), which controls the oarsman, mini shooters, controllers, and pico lighting of the San Pedro Gateway water features; Fanfare, Reflection and Interactive fountains.

Selection Process - Due to the proprietary nature of the equipment, the agreement was sole sourced; the particular technical proprietary expertise was available from only one source, WET.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of an award of a personal services agreement with WET for maintenance services for the Harbor Gateway water features, which is an administrative activity and exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use. Therefore, the Director of

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Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of CEQA in accordance with Article II, Section 2(f) and Article III Class 1 (1) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed one-year agreement with two, one-year renewal options will authorize expenditures of up to \$427,053 in the first year, \$427,053 in the second year; and \$427,051 in the third year or a maximum amount of \$1,281,157 if all options are exercised.

Fiscal Year (FY) 2023-2024 funding in the amount of \$427,053 has been budgeted within Account No. 54020 (Maintenance Services - Grounds), Center No. 0510, and Program No. 000. Funds are anticipated to be expended as follows:

Fiscal Year (FY)	\$ Amount
2024	\$427,053
2025	\$427,053
2026	\$427,051
Total	\$1,281,157

Future fiscal year funds will be requested and budgeted as part of the annual budget process, pending Board Approval.

If in any subsequent fiscal year funds are not appropriated for work required by the agreement, the agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligation previously incurred.

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CITY ATTORNEY:

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

TRANSMITTALS:

1. Agreement with WET

FIS Approval: MB
CA Approval: SO



TIM CLARK
Director of Port Construction & Maintenance

Dina Aryan-Zahlan
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APPROVED:

Maula Bbawins For

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