



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

Board of Harbor Commissioners

**DATE: DECEMBER 5, 2018**

**FROM: PORT POLICE**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO AGREEMENT NO. 18-3587 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND CONVERGINT TECHNOLOGIES FOR SECURITY SYSTEM MAINTENANCE AT THE WORLD CRUISE CENTER, ON AN AS-NEEDED BASIS**

**SUMMARY:**

Staff requests that the Board of Harbor Commissioners (Board) approve a first amendment (First Amendment) to Agreement No. 18-3587 between the City of Los Angeles Harbor Department (Harbor Department) and Convergent Technologies LLC (Convergent) for the maintenance and repair of equipment related to security systems at the World Cruise Center (WCC). The proposed First Amendment will amend Exhibit B (Fee Schedule) of Agreement No. 18-3587 to allow Convergent to be reimbursed for Other Direct Costs (ODC) such as the rental/use of heavy equipment (i.e., boom lifts) to access cameras in high locations. Furthermore, the proposed First Amendment will clarify certain Fee Schedule provisions related to non-disclosure agreements (NDA) and enable Convergent to disclose to the Harbor Department the pricing of hardware, software or other materials purchased on behalf of the Harbor Department.

The changes proposed under the First Amendment would make Agreement No. 18-3587 consistent with prior agreements which Convergent has signed with the Harbor Department and is required at this time because the incorrect Fee Schedule was submitted when Agreement No. 18-3587 was initially approved by the Board on June 21, 2018. Agreement No. 18-3587 will continue to be the financial responsibility of the Harbor Department, and no additional funding would be required if the proposed First Amendment is approved.

**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;

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2. Authorize the Executive Director to execute and the Board Secretary to attest to the Agreement;
3. Find that in accordance with the Los Angeles City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context – The Harbor Department requires the professional services of an outside contractor to provide maintenance and repair services for the Closed Circuit Television (CCTV) and access control readers which are located at the WCC and utilized exclusively by the United States Customs and Border Protection (CBP). The system is comprised of approximately 146 cameras and 66 access control readers as well as any new associated systems coming on-line during the life of this agreement.

At its meeting on June 21, 2018, the Board approved Agreement No. 18-3587 for the maintenance and repair of equipment related to security systems at the World Cruise Center between the Harbor Department and Convergent for one year with two, one-year renewal options for an amount not to exceed \$300,000. The systems include Closed Circuit Television (CCTV) and access control readers. The scope of the Agreement also includes system upgrades (hardware and software) that may be needed in order to enhance system performance or add to the system's overall capabilities.

Need for Amendment – In the course of providing the necessary documents to prepare the original Agreement, Convergent inadvertently submitted the incorrect Fee Schedule. The Fee Schedule is missing language that would address two items, ODCs and NDAs.

As it is currently written, the Fee Schedule does not include language allowing Convergent to be reimbursed for Other Direct Costs (ODC) such as the rental/use of heavy equipment (i.e., boom lifts) to access cameras in high locations. Additionally, it does not address Non-Disclosure Agreements (NDA). Convergent is contractually prohibited from disclosing any portion of the purchase agreement between Convergent and various manufacturers from which Convergent purchased items on behalf of the Harbor Department. Upon approval of the proposed First Amendment, Convergent shall provide an internally generated price list for review and approval by the Homeland Security Manager or their designee, prior to the purchase of any hardware, software or materials. This shall serve as adequate supporting documentation to reimburse Convergent when a NDA prevents further pricing disclosures.

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Additionally, it should be noted, Convergent has had two prior agreements with the Harbor Department, both of which have included the language being proposed in the First Amendment. The ODC and NDA language was also included in their proposal submission, making this proposed amendment consistent with their past practices.

1022 Determination – When Agreement No. 18-3587 was approved by the Board on June 21, 2018, the Board found that in accordance with Charter Section 1022, there were no City employees available to perform the work being proposed for contracting. Since this proposed amendment does not add a new labor component or increase an existing labor component, the original 1022 elements are still accurate and a new 1022 determination is not required.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is an amendment to an agreement for security system maintenance at the World Cruise Center, 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 proposed First Amendment will not increase the \$300,000 not-to-exceed amount under Agreement No. 18-3587 which was originally approved by the Board. Spending under Agreement No. 18-3587 is expected to occur as follows:

<b>Fiscal Year</b>	<b>Contract Maximum</b>
2018-2019	\$100,000
2019-2020	\$100,000
2020-2021	\$100,000
<b>Total</b>	<b>\$300,000</b>

Funding for Fiscal Year 2018/2019 is available within the Port Police Division budget, Account 54286, Center 0412, Program 000. Future Fiscal Year funds will be requested as part of the annual budgeting process, subject to Board approval. The Harbor Department’s financial obligations after the current fiscal year are contingent upon the Board appropriation of funds. If any subsequent fiscal year funds are not appropriated by the Board for the work required by Agreement No. 18-3587, the Agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred.

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**CITY ATTORNEY:**

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

**TRANSMITTAL(S):**

- 1. First Amendment to Agreement No. 18-3587
- 2. Agreement No. 18-3587

FIS Approval:  (initials)  
CA Approval: \_\_\_\_\_ (initials)



RANDY ALLEN  
Deputy Chief of Police



THOMAS E. GAZSI  
Chief of Public Safety and Emergency  
Management

APPROVED:



EUGENE SEROKA  
Executive Director

TEG:RA:cj  
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