

HARBOR DIVISION

425 S. PALOS VERDES ST.

P.O. BOX 151

SAN PEDRO, CA 90733-0151

FACSIMILE

(310) 831-9778

(310) 732-3750



OFFICE OF THE CITY ATTORNEY

**MICHAEL N. FEUER
CITY ATTORNEY**

**JANNA B. SIDLEY
GENERAL COUNSEL**

**JOY M. CROSE
ASSISTANT GENERAL COUNSEL**

**CHRISTOPHER B. BOBO
ESTELLE M. BRAAF
JOHN T. DRISCOLL
JUSTIN HOUTERMAN
JANET KARKANEN
KENNETH F. MATTFELD
HEATHER M. MCCLOSKEY
ESTHER S. OLSEN
STEVEN Y. OTERA
MINAH PARK
HELEN J. SOK**

DATE: MARCH 18, 2015

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ SECOND AMENDMENT TO
AGREEMENT NO. 3132 BETWEEN THE CITY OF LOS ANGELES
HARBOR DEPARTMENT AND DOCUMENT TECHNOLOGIES LLC**

SUMMARY:

The Office of the City Attorney requests approval of a Second Amendment (Second Amendment) to Agreement for Professional Services No. 3132 (Agreement No. 3132) between the City of Los Angeles Harbor Department (Harbor Department) and Document Technologies LLC dba DTI, increasing the agreement authority by \$58,500 to an amount not to exceed \$265,780 for electronic discovery and document services. Funding for the Second Amendment is proposed to be allocated in Fiscal Year 2014-15 and in Fiscal Year 2015-16 upon Board approval of the budget in June 2015. The Harbor Department will continue to be financially responsible for payment for services under Agreement No. 3132.

RECOMMENDATION:

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

1. Approve the Second Amendment to Agreement No. 3132 between the City of Los Angeles Harbor Department and Document Technologies LLC dba DTI, increasing the agreement authority by \$58,500 to an amount not to exceed \$265,780;

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2. Authorize the Executive Director to execute and the Board Secretary to attest to the Second Amendment to Agreement No. 3132;
3. Adopt Resolution No. _____.

DISCUSSION:

Background/Context - On June 6, 2013, the Board authorized Agreement No. 3132 for electronic discovery and document services between the Harbor Department and Document Technologies LLC (DTI). DTI was among two firms selected using a competitive Request for Proposals (RFP) process. Agreement No. 3132 included a three-year term (June 18, 2013 to May 17, 2016) and a not-to-exceed amount of \$70,000. The scope of work involved collection, processing, and compilation of electronic data and hard copy documents, maintenance of a database to manage and review records, and more traditional document services such as scanning and photocopying in large volumes.

DTI - The initial contract authority was allocated anticipating the need for electronic discovery services related to the Southern California International Gateway (SCIG) litigation. A total of \$50,000 was budgeted for Fiscal Year 13-14, leaving \$20,000 of the remaining \$70,000 authority for use in subsequent fiscal years, upon Board approval of funding.

First Amendment – On September 19, 2013, the Board of Harbor Commissioners approved a First Amendment for Professional Services Agreement No. 3132 between the City and DTI, to increase compensation by \$137,280 to an amount not to exceed \$207,280. As of January 31, 2015, \$195,408 of the budgeted \$207,280 has been expended. The remaining authority (\$11,872) will be spent during the period of February 2015 through May 15, 2015. A total of \$3,829 of the proposed Second Amendment is anticipated to be spent during the period of May 16, 2015 to June 30, 2015.

Proposed Second Amendment –The SCIG Administrative Record, containing approximately 17,000 records was certified on September 15, 2014. The records are hosted in Relativity, a database serviced by DTI and in order to continue hosting without disruption and utilizing DTI's services throughout the course of the SCIG litigation, the Office of the City Attorney requests approval of this Second Amendment.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a Second Amendment to Agreement No. 3132 with DTI for electronic discovery and document services to increase the Agreement

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authority. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

ECONOMIC IMPACT:

Spending under the Agreement with an approval of the proposed Second Amendment will support 4 direct and 1 secondary one-year equivalent jobs for the five-county region.

FINANCIAL IMPACT:

The proposed action is for the approval of a Second Amendment to Agreement No. 3132, to increase compensation by \$58,500 for a total amount not to exceed \$265,780. Of the requested \$58,500 additional authority amount, \$3,829 will be spent during Fiscal Year 14-15 and \$54,671 will be spent during Fiscal Year 15-16. Funds in the amount of \$3,829 for the remaining portion of Fiscal Year 14-15 are available for appropriation for Agreement No. 3132 in Account No. 54410, Division No. 0120, Program No. 000.

A Fiscal Year (FY) 15-16 budget request in the amount of \$54,671 for litigation support has been requested to be budgeted as part of the annual budget adoption process, upon Board approval (Harbor Department City Attorney's Office Account No. 54410, Division 0120, Program No. 000). A funding out clause is included in Agreement No. 3132. The schedule of anticipated compensation payable is broken down by fiscal year as follows:

Fiscal Year	Amount
FY 2013-14	\$144,320
FY 2014-15	\$ 66,789
FY 2015-16	\$ 54,671
NOT TO EXCEED TOTAL	\$265,780

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CITY ATTORNEY:

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

TRANSMITTAL:

- 1. Proposed Second Amendment to Agreement No. 3132 with Document Technologies LLC

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)

[Signature]
 MINAH PARK
 Deputy City Attorney

[Signature]
 JANNA B. SIDLEY
 General Counsel

APPROVED:

[Signature]
 By _____
 EUGENE D. SEROKA
 Executive Director

Author: K. Hee