

HARBOR DIVISION

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DATE: JULY 5, 2017

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - RECOMMENDATION TO ENTER INTO A CONTRACT WITH KNOBBE MARTENS FOR INTELLECTUAL PROPERTY MATTERS PURSUANT TO CHARTER SECTION 275

SUMMARY:

Pursuant to the authority granted under City of Los Angeles Charter Section 275, the Office of the City Attorney requests that the Board of Harbor Commissioners (Board) recommend that the Harbor Department enter into an agreement with Knobbe Martens for legal services for intellectual property matters. The Executive Director Agreement will be for one year with a total appropriation request of \$150,000. The City of Los Angeles Harbor Department (Harbor Department) is financially responsible for payment of expenses under the proposed 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 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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KNOBBE MARTENS FOR INTELLECTUAL PROPERTY MATTERS**

2. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreements can be more economically and feasibly provided by an independent contractor than by City employees;
3. Pursuant to City of Los Angeles Charter Section 275, recommend that the Executive Director enter into an Agreement with Knobbe Martens in the amount of \$150,000 for a one-year term; and
4. Adopt Resolution No. _____.

DISCUSSION:

Need For Counsel And Scope Of Work – The Harbor Department is exploring a variety of ways to improve Port supply chain efficiencies which has included efforts to move forward with high technology projects. These projects have generated a need for legal support with respect to patents and intellectual property matters. Knobbe Martens is needed to assist in areas involving Intellectual Property rights, licensing rights and royalties between the Harbor Department and outside parties in anticipation of future joint venture projects. The Executive Director Agreement with Knobbe Martens is attached as Transmittal 1. The proposed terms include a one year term and compensation not to exceed \$150,000 which are within the authority granted to the Executive Director by City Charter 604 and Administrative Code Section 10.1.1 and therefore does not require Board approval.

Selection Process - The Harbor Division relied on a competitive Request for Proposals (RFP) selection process for Intellectual Property counsel conducted earlier this year by the Los Angeles Department of Water and Power (DWP) in selecting the proposed firm. Knobbe Martens was a proposing firm pursuant to that RFP process and has proposed a skilled team of attorneys to work on the project, namely David Weiss and Scott Cromar.

ENVIRONMENTAL ASSESSMENT:

The proposed action is recommendation to enter into an Executive Director Agreement for legal services for intellectual property matters. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

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FINANCIAL IMPACT:

The proposed action is for the recommendation of a legal services Agreement with Knobbe Martens. The total one-year appropriation is \$150,000. Funding for FY 2017/18 in the amount of (\$150,000) has been included as part of the annual budget adoption process in the FY 2017-18 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410, Division No. 120 and Program No. 000. Funding for future fiscal years if necessary, will be requested to be budgeted as part of the annual budget adoption process, upon Board approval. A funding out clause is included in the Agreement.

CITY ATTORNEY:


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

TRANSMITTALS:

1. Agreement with Knobbe Martens.

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)


HEATHER McCLOSKEY
Deputy City Attorney

APPROVED:

By Janna B. Sidley
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General Counsel, Harbor Department

APPROVED:

By Eugene D. Seroka
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Board Meeting: