

HARBOR DIVISION

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DATE: APRIL 27, 2016

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ AGREEMENTS FOR DISCOVERY AND DOCUMENT SERVICES WITH CONCORD DOCUMENT SERVICES, INC. AND ONLINE LABS, INC. DBA ONLINE SECURITY

SUMMARY:

The Office of the City Attorney ("Office") requests that the Board of Harbor Commissioners ("Board") approve and award agreements to Concord Document Services, Inc. ("Concord") and Online Labs, Inc. dba Online Security ("Online Security") for discovery and document services. As part of its representation of the Harbor Department ("Department"), the Office of the City Attorney handles litigation, administrative proceedings, and other legal matters that from time-to-time require discovery and document services including such things as collection and processing of electronic data for discovery, and document scanning and photocopying. Concord is a Very Small Business Enterprise ("VSBE") and Minority Business Enterprise ("MBE") and Online Security is a VSBE and Local Business Enterprise ("LBE"). Each agreement will have a three-year term with a combined total appropriation not-to-exceed \$120,000. The Harbor Department remains financially responsible for payment of expenses under the proposed agreements.

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RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find 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 as determined by the Director of Environmental Management;
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. Approve the individual and separate Agreements with (1) Concord Document Services, Inc. with a not-to-exceed amount of \$60,000 and (2) Online Labs, Inc. dba Online Security with a not-to exceed amount of \$60,000, each for a period of three years;
4. Authorize the Executive Director and Board Secretary to execute and attest to the Agreements; and
5. Adopt this Resolution No. _____.

DISCUSSION:

Background and Context - In representing the Harbor Department in litigation, administrative proceedings, and other legal matters, the Office of the City Attorney often requires discovery and document services that may involve collecting large volumes of records including electronic data such as emails and hard copy documents, creating and maintaining a database to manage and review the data, and more traditional document services such as scanning and photocopying in large volumes.

Discovery and Document Services on Recent Matters - In the various Clean Truck Program ("CTP") and Southern California International Gateway ("SCIG") legal matters, discovery and document services were essential. In the SCIG matter alone, the Office collected and reviewed hundreds of thousands of pages of data to respond to Public Records Requests and compile the SCIG Administrative Record.

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Other matters requiring discovery and document services have included responses to Ethics Commission requests, discovery obligations before the Federal Maritime Commission, and responding to and propounding discovery in a variety of cases the Office handles representing the Department. The amount spent on these types of services has varied considerably from year to year depending on the number, type, and phase of legal matters the Office is handling in a given year and has ranged from less than one thousand dollars to several hundred thousand dollars in prior years. For the past three years, the services have been provided by Document Technologies Inc. A total of \$295,780 was appropriated for document services and \$232,497 has been expended through March 31, 2016 .

Selection Process - The Office of the City Attorney issued a Request for Proposals for electronic discovery and document services on January 29, 2016. Five companies responded. The selection committee, made up of three Deputy City Attorneys, evaluated the proposals (Attached Transmittal 1 Evaluation Matrix). Concord and Online Security, both located in Los Angeles received the highest scores. Concord is a VSBE and MBE and Online Security is a VSBE and LBE.

Proposed Agreements- The proposed Agreements will be used for similar services as described above. Based on the expected needs, when a new matter arises, the Office of the City Attorney will issue a Statement of Work under these Agreements for the services needed for that specific legal matter. The decision on which contractor to use will be based on a variety of factors including, the type of services required for the particular matter, pricing, and any existing conflicts.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of Agreements with Concord and Online Security for discovery and document services, which is an administrative activity. As such, 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:

Funding for the two proposed new Agreements has been requested to be budgeted upon Board approval as part of the annual budget adoption process in the amount of \$40,000 in the FY 2016-17 Operating Budget, within the Harbor Department City Attorney's Office Account No. 54410, Division No. 0120, 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 proposed Agreements. The proposed appropriations for the two Agreements are detailed below:

Firm	FY 16/17	FY17/18	FY18/19	TOTAL
Concord Document Services, Inc.	\$20,000	\$20,000	\$20,000	\$60,000
Online Security	\$20,000	\$20,000	\$20,000	\$60,000
TOTAL	\$ 40,000	\$ 40,000	\$40,000	\$ 120,000

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CITY ATTORNEY:

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

TRANSMITTALS:

1. List of Proposers and Evaluation Matrix
2. Agreements with Concord Document Services Inc. and Online Security

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)

[Signature]
MINAH PARK
Deputy City Attorney

APPROVED:

[Signature]
JANNA B. SIDLEY
General Counsel

APPROVED:

[Signature]
EUGENE D. SEROKA
Executive Director

Author: Minah Park
Board Meeting: May 19, 2016