

RECOMMENDATION APPROVED;
RESOLUTION NO. 18-8325 ADOPTED; AND
AGREEMENT 18-3348-A APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS



Executive Director's
Report to the
Board of Harbor Commissioners

8/23/18

2

August 23, 2018

AMBER M. KLESGES
Board Secretary

DATE: AUGUST 23, 2018

FROM: ENGINEERING

SUBJECT: RESOLUTION NO. 18-8325 FIRST AMENDMENT TO AGREEMENT NO. 15-3348 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND SASAKI ASSOCIATES, INC, FOR ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE WILMINGTON WATERFRONT PROMENADE

SUMMARY:

Staff requests approval of a First Amendment to Agreement No. 15-3348 (Agreement) with Sasaki Associates, Inc. (Consultant), located in Watertown, Massachusetts, to provide planning, engineering, architectural design, landscape design, and bidding & design support during construction of the Wilmington Waterfront Promenade Project (Project). The existing agreement is set to expire on October 8, 2018. This First Amendment, if approved by the Board of Harbor Commissioners (Board) and Los Angeles City Council will increase the Agreement term by an additional four years expiring on October 8, 2022. This additional time will allow the Consultant to complete the Project's design and provide support services during construction. No additional funds are being requested at this time because the Consultant will complete all the required services within the original agreement amount. To date, \$1,767,358 of the existing Agreement amount of \$3,190,000 has been spent or otherwise allocated to the Project. The Harbor Department will continue to be financially responsible for payment of expenditures under this 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 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;
2. Find that in accordance with Charter Section 1022, the work proposed to be contracted could be more feasibly performed by a contractor than by a City employee. Since this proposed amendment does not add a new labor component and the original 1022 determination elements are still accurate, a new 1022 determination is not required;
3. Approve this First Amendment to Agreement No. 15-3348 (First Amendment) with Sasaki Associates, Inc. to extend the Agreement term by four years;

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4. Authorize and direct the Board Secretary to forward the First Amendment to the Los Angeles City Council for its approval pursuant to Section 373 of the Los Angeles City Charter;
5. Authorize the Executive Director to execute and Board Secretary to attest to the said First Amendment for and on behalf of the Board of Harbor Commissioners; and
6. Adopt Resolution No. 18-8325.

DISCUSSION:

Background/Context - The City of Los Angeles Harbor Department (Harbor Department) continues its commitment to the community to revitalize the LA Waterfront. The Wilmington Waterfront Development Project (WWDP) Environmental Impact Report (EIR), certified in June 18, 2009, has set the framework for this development focusing on the Wilmington community.

On September 17, 2015, the Board approved the original three-year Agreement (Transmittal 1) providing professional services to design a waterfront promenade, pedestrian plaza, a parking court on the western end of the project, realignment of Water Street adjacent to the railroad tracks, and landscaping and parking northwest of Banning's Landing Community Center.

The Harbor Department did not complete design during the original three year Agreement term because the Harbor Department has been in the process of securing property rights to a vital parcel currently owned by the Los Angeles Department of Water and Power (LADWP). This 2.3 acre parcel is required for the construction of the Project. Although substantial progress has been made on the property transaction with LADWP, a final agreement has not been reached. The design and permitting cannot be completed until the Harbor Department acquires rights to this property. Thus, the Project schedule has been delayed beyond the duration of the original three-year Agreement term, and staff is now recommending approval of the First Amendment (Transmittal 2) to extend the term of the Agreement.

Progress To Date - Since the Board approved the Agreement with the Consultant, substantial progress has been made on the design of this Project. The Consultant completed conceptual design, completed the 40 percent and 80 percent design phases, and conducted a public update meeting to share the design progress with the public for the Wilmington Waterfront Promenade Project. Design for this Project is expected to be complete by the end of 2018 and construction to follow in summer of 2019.

First Amendment - Staff recommends that it is in the best interest of the Harbor Department to extend the Agreement term by four years so that the Consultant may complete design and to provide engineering design services throughout the construction period and maintain a single responsible party as Engineer of Record for professional liability.

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Small Business Enterprise Program and Subconsultant Participation - Throughout the term of the Agreement, the Consultant's overall sub-consultant business enterprise proposal is 25% Small Business Enterprise (SBE) and very Small Business Enterprise combined.

This Agreement is in conformance with both the City's Service Agreement Worker Retention and Living Wage Ordinances.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a First Amendment to Agreement No. 15-3348 with Sasaki Associates, Inc. to provide planning, engineering, architectural design, landscape design, and bidding and design support for the Wilmington Waterfront Promenade Project, which is an administrative activity. Therefore, the Director of Environmental Management had determined that the proposed action is administratively 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.

FINANCIAL IMPACT:

The original Agreement with the Consultant provided for a term of three years with an authority amount of \$3,190,000. The proposed First Amendment to this Agreement will extend the Agreement's term by an additional four years and will not increase the authority. The Agreement authority amount will remain at \$3,190,000.

If approved, it is contemplated that funds under the Agreement will be expended as follows:

Fiscal Year (FY)	Amount
Spent to date from FY 15/16 to FY 17/18	\$1,767,358.48
FY 18/19	\$ 600,000.00
FY 19/20	\$ 400,000.00
FY 20/21	\$ 330,000.00
FY 21/22	\$ 50,000.00
FY 22/23	\$ 42,641.52
Unallocated Contract Amount	\$0
Total	\$3,190,000.00

Funds for FY 18/19 in the amount of \$600,000 have been budgeted in Account No. 54220, Center No. 1040, Program No. 624 and have been approved as part of the annual budget process. The Harbor Department's Financial obligations beyond FY 18/19 are contingent upon the Board's appropriation of funds as part of the annual budget process.

The Project limits are within the Harbor Department property and maintenance will be performed by the Harbor Department. Once the Project is complete, operating and maintenance costs are expected to increase by \$300,000 per year.

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CITY ATTORNEY:


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


TRANSMITTALS:

1. Agreement No. 15-3348
2. First Amendment to Agreement No. 15-3348

CA Approval: 

FIS Approval: 


for DAVID M. WALSH, P.E.
Chief Harbor Engineer


ANTONIO V. GIOIELLO, P.E.
Deputy Executive Director, Development

APPROVED:


EUGENE D. SEROKA
Executive Director

HC:kc
PRO25330
25330b2/ID6327

Author: H. Cisneros

**FIRST AMENDMENT TO AGREEMENT NO. 15-3348
BETWEEN THE CITY OF LOS ANGELES
AND
SASAKI ASSOCIATES, INC.**

THIS FIRST AMENDMENT to Agreement No. 15-3348 is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), and SASAKI ASSOCIATES, INC., a Massachusetts corporation, whose address is 64 Pleasant Street, Watertown, MA 02472 ("Consultant") as follows:

1. Subsection 4.2 is removed in its entirety and replaced with the following:

"4.2 The term of this Agreement shall not exceed seven (7) years, commencing on the Agreement's effective date. This Agreement shall be in full force and effect until:

- a. Engineer determines that Consultant has completed the Scope of Work and provides Consultant written notice thereof; or

- b. Board, in its sole discretion, terminates this Agreement, which termination shall become effective five (5) calendar days following Executive Director's transmittal of written notice advising Consultant of such action by Board. Upon receipt of such written notice, Consultant shall cease the performance of the Scope of Work. Consultant shall be entitled to compensation only for services actually performed prior to such termination. Engineer, in his or her sole reasonable discretion, shall determine the amount of services actually performed and shall allocate a portion of the total compensation due Consultant accordingly. If Board so terminates this Agreement, Consultant shall deliver all drawings, specifications, plans, reports, studies, calculations, estimates, documents and other work product produced pursuant to this Agreement to City in an organized, usable form with all items properly labeled to the degree of detail specified by the Engineer. No compensation shall be due Consultant until it complies with the requirements of this paragraph; or

- c. Seven (7) years have elapsed from the effective date of the Agreement."

Except as amended herein, all remaining terms and conditions of Agreement No. 15-3348 shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. 15-3348 on the date to the left of their signatures.

Dated: Oct. 10, 2018

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

By Mark Blewett
EUGENE D. SEROKA
Executive Director

Attest Amber M. Klesges
AMBER M. KLESGES
Board Secretary

Dated: 8/1, 2018

SASAKI ASSOCIATES, INC.

By Steven Pascoe
Steven Pascoe, CFC
(Print/type name and title)

Attest Zachary Chrisco
ZACHARY CHRISCO, PRINCIPAL
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

August 13, 2018
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By Justin Houterman
JUSTIN HOUTERMAN, Deputy

JH/ila 07/30/2018

Rev. 06/23/14

Account #	54220	W.O. #	2533000
Ctr/Div #	1040	Job Fac. #	228-2600
Proj/Prog #	624		

Budget FY:	Amount:
15/16	\$ 328,140.00
16/17	\$ 942,590.60
17/18	\$ 496,627.88
18/19	\$ 600,000.00
19/20	\$ 400,000.00
20/21	\$ 330,000.00
21/22	\$ 50,000.00
22/23	\$ 42,641.52
TOTAL	\$3,190,000.00

For Acct/Budget Div. Use Only:

Verified by: KL
Verified Funds Available: N/A
Date Approved: 8/2/18