

HARBOR DIVISION

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DATE: MAY 31, 2017

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - APPROVE FIRST AMENDMENTS TO AGREEMENT E-6845 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND NOSSAMAN LLP AND AGREEMENT E-6846 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND ZUBER LAWLER AND DEL DUCA

SUMMARY:

The Office of the City Attorney requests the Board of Harbor Commissioners (Board) to approve two First Amendments (Amendments) to Executive Director Agreement No. E-6845 with Nossaman LLP (Nossaman) and Agreement No. E-6846 with Zuber Lawler and Del Duca. The Amendments for both Agreements (No. E-6845 and No. E-6846) extends the term of the Agreements by two years. The term extensions are necessary due to ongoing professional legal services for real property matters. The City of Los Angeles Harbor Department (Harbor Department) is financially responsible for payment of expenses under the proposed Amendments.

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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2. Approve the First Amendment to Agreement No. E-6845 with Nossaman, extending the one-year term to a total of three years with no additional compensation;
3. Approve the First Amendment to Agreement No. E-6846 with Zuber Lawler and Del Duca, extending the one-year term to a total of three years with no additional compensation;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement E-6845 and the First Amendment to Agreement No. E-6846; and
5. Adopt Resolution No. _____.

DISCUSSION:

Background and Context – Nossaman was retained under Executive Director Agreement No. E-6845 and Zuber Lawler and Del Duca was retained under Executive Director Agreement No. E-6846. The term for Nossaman Agreement commenced July 20, 2016 and will terminate on July 19, 2017. The term for the Zuber Lawler and Del Duca Agreement commenced July 16, 2016 and will terminate on July 15, 2017. Both firms provide professional legal services for real property matters. The term extensions for both agreements are necessary to complete ongoing assignments related to the Harbor Department's real estate matters.

Selection Process - The Office of the City Attorney conducted a competitive Request for Proposals (RFP) selection process in February 2016. The RFP for legal services services was posted on February 11, 2016 on the City of Los Angeles Business Assistance Virtual Network (LABAVN). Under the scope of work firms were able to propose legal services assisting the City Attorney's Office in providing advice and representation to the Harbor Department in connection with real property related matters. The scope included complex commercial and industrial leasing of real property by a governmental agency landlord, assigning and subleasing, ground leasing and financing, Tidelands Trust and real estate remedies and enforcing leases.

The Harbor Department received proposals from 10 firms. The proposals were evaluated by a three member review committee (Committee) consisting of three Assistant City Attorneys from the Office of the City Attorney. Based upon the scores the Committee selected two firms (Nossaman and Zuber Lawler and Del Duca) for agreements with the Harbor Department.

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SUBJECT: FIRST AMENDMENTS TO AGREEMENT E-6845 WITH NOSSAMAN AND AGREEMENT E-6846 WITH ZUBER LAWLER AND DEL DUCA

Proposed First Amendment- The First Amendment for Agreement No. E-6845 with Nossaman extends the term of the agreement by two years with no increase in compensation. The First Amendment for Agreement No. E-6846 with Zuber Lawler and Del Duca extends the term by two year with no additional compensation. The term extensions are necessary due to ongoing legal services for multiple real property matters.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of Amendments to Executive Director Agreement Nos.E-6845 and E-6846 to extend the term of the Agreements for ongoing legal services for real 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.

FINANCIAL IMPACT:

The proposed action is for the approval of a First Amendment to Agreement No. E-6845 and Agreement No. E-6846, to extend the term from one year to three years. There is no additional compensation. The Amendments do not request additional funding because the anticipated work can be completed with the remaining authority for each of the Agreements. The total three-year appropriation for both legal services agreements is \$300,000, apportioned equally between the two law firms. To date the amount expended for both contracts has been \$10,813 and it is anticipated that by June 30, 2017 the total amount expended for both Agreements will be \$10,813.

Funding for FY 2017/18 in the amount of (\$190,000) 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 Agreement No. E-6845 and Agreement No E-6846. The schedule of compensation broken down by fiscal year is as follows:

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Firm	FY 16/17	FY17/18	FY18/19	TOTAL
Nossaman	\$10,813	\$100,000	\$39,187	\$150,000
Zuber Lawler and DeDuca	\$0.00	\$90,000	\$60,000	\$150,000
Total Amount	\$10,813	\$190,000	\$99,187	\$300,000

CITY ATTORNEY:


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


TRANSMITTALS:

1. First Amendment to Agreement E-6845 extending its term from one to three years.
2. First Amendment to Agreement E-6846 extending its term from one to three years.

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)


CHRISTOPHER B. BOBO
Deputy City Attorney

APPROVED: 
By _____
JANNA B. SIDLEY
General Counsel, Harbor Department

APPROVED: 
By _____
EUGENE D. SEROKA
Executive Director