

HARBOR DIVISION

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DATE: JULY 17, 2013

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ SECOND AMENDMENT TO
AGREEMENT NO. 3043 WITH THE SOHAGI LAW GROUP

SUMMARY:

The Office of the City Attorney requests approval of a Second Amendment to Agreement for Professional Services No. 3043 (Agreement No. 3043) between the City of Los Angeles (City) and The Sohagi Law Group, increasing the Agreement authority by \$922,602 to an amount not to exceed \$1,500,000 for legal services for environmental matters. The City of Los Angeles Harbor Department (Harbor Department) is proposing a budgetary transfer in the amount of \$663,850 from the Unappropriated Balance (UB) to the Harbor Department's Operating Expenses Budget, Office of the City Attorney Division No. 0120. This budgetary transfer requires the approval of the Board of Harbor Commissioners (Board), as well as the Mayor, in compliance with the Los Angeles City Charter Section 343(b).

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Approve the Second Amendment to Agreement No. 3043 with The Sohagi Law Group, attached as Transmittal 1, increasing the Agreement authority by \$922,602 to an amount not to exceed \$1,500,000;
2. Authorize the Executive Director to execute and the Board Secretary to attest to the Second Amendment to Agreement No.3043;
3. Approve the Fiscal Year 2013-2014 transfer of a total amount of \$663,850 from the Unappropriated Balance to Division No. 0120, Account No. 54410, Program No. 000 for services that will be rendered in connection with Agreement No. 3043;
4. Direct the Board Secretary to transmit the Resolution to the Mayor for approval of such transfer pursuant to Section 343(b) of the City Charter;

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5. Direct the Board Secretary to notify the City Clerk of such transfer pursuant to Section 343(b) of the City Charter at the time such transfer is made; and
6. Adopt Resolution No. _____.

DISCUSSION:

Background and Context- On February 2, 2012, the Board of Harbor Commissioners (Board) authorized Agreement No. 3043 for legal services between the City of Los Angeles and The Sohagi Law Group (Sohagi). Sohagi was among two firms selected using a competitive Request for Proposals (RFP) process. Agreement No. 3043 included a three-year term (March 1, 2012 to February 28, 2015) and a not-to-exceed amount of \$330,000. The scope of work was for performing legal services in connection with environmental matters, specifically issues under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other environmental matters requiring specialized law. The City of Los Angeles Harbor Department's (Harbor Department) environmental impact reports (EIRs) under CEQA and environmental impact statements (EISs) under NEPA require complex technical analysis and disclosures requiring specialized expertise. This expertise is not available within City resources.

The Sohagi Law Group- The initial contract authority was allocated for the completion of the Recirculated Draft and Final EIR for the Southern California International Gateway (SCIG) project (\$261,409) and for General CEQA Advice (\$68,591). In April 2013, the Board approved the First Amendment to Agreement No. 3043 to increase compensation by \$247,398 to \$577,398. Through May 2013, the total amount spent under Agreement No. 3043 is \$348,599 and the total remaining contract authority is \$228,799.

Second Amendment- The Office of the City Attorney requests approval of a Second Amendment for Professional Services between the City and The Sohagi Law Group to increase the Agreement authority by \$922,602 to an amount not to exceed \$1,500,000. The scope of work under the Second Amendment is to assist the Office of the City Attorney with legal challenges to the EIR for the SCIG project, legal services for the San Pedro Waterfront EIR, and general legal advice on environmental matters. Further explanation of the proposed legal work to be performed under the Second Amendment is set forth in a separate privileged and confidential legal memorandum from our Office to the Board.

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ENVIRONMENTAL ASSESSMENT:

The proposed action is for the approval of a Second Amendment to Agreement No. 3043, to increase compensation by \$922,602 for a total amount not to exceed \$1,500,000, for legal services to assist the Office of City Attorney in Harbor Department environmental matters. 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) under Article II, Section 2(f) of the City of Los Angeles CEQA Guidelines.

ECONOMIC IMPACT:

Spending under the original contract with The Sohagi Law Group would have supported 2 direct and 3 secondary one-year equivalent jobs in the five-county region. Spending under the proposed Amendment to increase the contract amount will result in 5 direct and 11 secondary one-year equivalent job impacts in the region.

FINANCIAL IMPACT:

The proposed action is for the approval of a Second Amendment to Agreement No. 3043 to increase the Agreement authority by \$922,602 for a total amount not to exceed \$1,500,000. A total of \$962,904 is expected to be expended during FY 13-14 of which \$299,054 is allocated for The Sohagi Law Group in the FY 13-14 adopted operating budget (Harbor Department City Attorney's Office Account No. 54410, Division 120, Program No. 000). The remaining \$663,850 will require a transfer from the Unappropriated Balance.

Funding for future fiscal years in the amount of \$188,497 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. 3043. The schedule of compensation broken down by fiscal year is as follows:

FY 2011-12	\$ 53,249
FY 2012-13	\$295,350
FY 2013-14	\$962,904
FY 2014-15	\$188,497
NOT-TO-EXCEED TOTAL	\$1,500,000

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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. 3043 with The Sohagi Law Group

FIS Approval: CB (initials)

CA Approval: CS (initials)



JOY M. CROSE
Assistant General Counsel



JANNA B. SIDLEY
General Counsel

APPROVED:

By 

GERALDINE KNATZ, Ph.D.
Executive Director