

HARBOR DIVISION

425 S. PALOS VERDES ST.

P.O. BOX 151

SAN PEDRO, CA 90733-0151

FACSIMILE

(310) 831-9778

(310) 732-3750



OFFICE OF THE CITY ATTORNEY

MICHAEL N. FEUER
CITY ATTORNEY

JANNA B. SIDLEY
GENERAL COUNSEL

JOY M. CROSE
ASSISTANT GENERAL COUNSEL

CHRISTOPHER B. BOBO
ESTELLE M. BRAAF
BRIAN DALUISO
JOHN T. DRISCOLL
JUSTIN HOUTERMAN
JANET KARKANEN
KENNETH F. MATTFELD
HEATHER M. McCLOSKEY
ESTHER S. OLSEN
STEVEN Y. OTERA
MINAH PARK
HELEN J. SOK

DATE: NOVEMBER 2, 2020

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - AMENDMENTS TO AGREEMENTS BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND ALVARADOSMITH PC (AG 19-3675), BERGMAN DACEY GOLDSMITH PLC (AG 19-3676) AND NOSSAMAN LLP (AG 19-3668) FOR REAL ESTATE MATTERS

SUMMARY:

The Office of the City Attorney (Office) requests the Board of Harbor Commissioners (Board) approve First Amendments to Agreements between the City of Los Angeles Harbor Department (Harbor Department) and AlvaradoSmith PC (AlvaradoSmith) and Bergman Dacey Goldsmith PLC (Bergman), and a Second Amendment to the Agreement between the Harbor Department and Nossaman LLP (Nossaman) for legal services for real estate matters, to add a provision requiring Commercial General Liability Insurance. While the Harbor Department is financially responsible for payment for legal services rendered under the proposed Amendments, the provision adding a requirement that the firms provide Commercial General Liability Insurance is an obligation of the firms under contract and will not increase the scope of the Harbor Department's financial responsibilities.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

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**SUBJECT: AMENDMENTS TO AGREEMENT NO. 19-3675, 19-3676 and 19-3668
FOR REAL ESTATE MATTERS**

1. Find that the Director of Environmental Management has determined that the proposed actions are 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. Approve the First Amendments to Agreement No. 19-3675 (AlvaradoSmith) and 19-3676 (Bergman), amending the general conditions to include Commercial General Liability Insurance;
3. Approve the Second Amendment to Agreement No. 19-3668 (Nossaman), amending the general conditions to include Commercial General Liability Insurance;
4. Authorize the Executive Director and Board Secretary to execute and attest to the First Amendments to Agreement No. 19-3675 (AlvaradoSmith) and 19-3676 (Bergman);
5. Authorize the Executive Director and Board Secretary to execute and attest to the Second Amendment to Agreement No. 19-3668 (Nossaman); and
6. Adopt Resolution No. _____.

DISCUSSION:

The Harbor Department routinely engages in real estate matters. Due to the steady work in this area, the Office has in-house attorney staff handling litigation and performing the majority of work without the use of outside counsel. Despite this, the Office still has need for assistance from outside counsel when specialized expertise is necessary for complex or new legal issues, and/or temporary spikes in work volume exceeding the capacity of in-house resources. Based on a competitive process, the Office selected three firms for new three-year Agreements.

On September 5, 2019, the Board approved Agreements with AlvaradoSmith and Bergman. The General Conditions for both Agreements did not include the required insurance section for General Commercial Liability Insurance. The proposed First Amendments corrects the error and adds the required section to the General Conditions.

The Board approved the Nossaman Agreement on July 25, 2019. On February 20, 2020, the Board approved a First Amendment for Agreement No. 19-3668 to increase the compensation for litigation support in the matter of *Harbor Performance Enhancement Center LLC v. City of Los Angeles Harbor Department*. The initial Agreement and First Amendment did not include the required Insurance section for Commercial General

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**SUBJECT: AMENDMENTS TO AGREEMENT NO. 19-3675, 19-3676 and 19-3668
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Liability. The Proposed Second Amendment corrects the error and adds the required section to the General Conditions.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of First Amendments to Agreements between the Harbor Department, AlvaradoSmith, and Bergman and the approval of a Second Amendment to the Agreement between the Harbor Department and Nossaman for legal services for real estate matters, which are administrative activities. Therefore, the Director of Environmental Management has determined that the proposed actions are administratively 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 First Amendments to Agreement No. 19-3675 (AlvaradoSmith) and 19-3676 (Bergman), and a Second Amendment to Agreement No. 19-3668 (Nossaman) to amend the General Conditions to include the required section for Commercial General Liability Insurance. There is no proposed change in compensation or term. While the Harbor Department is financially responsible for payment for legal services rendered under the proposed First Amendment, the provision adding a requirement that the firms provide Commercial General Liability Insurance is an obligation of the firms under contract and will not increase the scope of the Harbor Department's financial responsibilities.

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SUBJECT: AMENDMENTS TO AGREEMENT NO. 19-3675, 19-3676 and 19-3668
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CITY ATTORNEY:

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

TRANSMITTALS:

1. Agreement No. 19-3675 with AlvaradoSmith PC
2. Agreement No. 19-3676 with Bergman Dacey Goldsmith PLC
3. Agreement No. 19-3668 with Nossaman LLP
4. Proposed First Amendment to Agreement No. 19-3675
5. Proposed First Amendment to Agreement No. 19-3676
6. Proposed Second Amendment to Agreement No. 19-3668

FIS Approval: MB

CA Approval: S



STEVEN OTERA
Assistant City Attorney

APPROVED:

By 
JANNA B. SIDLEY
General Counsel, Harbor Department

APPROVED:

By 
EUGENE D. SEROKA
Executive Director

Author:
Board Meeting: