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CITY ATTORNEY

REPORT NO. R 1 6 - 0 3 7 8
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REPORT RE:

PROPOSED LEGAL SERVICES AGREEMENT FOR THE PROGRESSIVE DESIGN-BUILD HYPERION ADVANCED WATER PURIFICATION FACILITY PROJECT

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This Office recommends that an outside law firm be approved to assist the City Attorney's Office in providing legal services relating to the Hyperion Advanced Water Purification Facility (AWPF) Project to supply recycled water for the Los Angeles World Airports (LAWA) and nearby uses. The Hyperion AWPFF Project is a progressive-design build project. The legal assistance required for this project involves expert and technical issues peculiar to progressive design-build contracts and related competitive process.

Background

The Department of Public Works, Bureau of Sanitation (LASAN) will be supplying advanced treated recycled water from the Hyperion Water Reclamation Plant to LAWA for its use in LAWA's Central Utility Plant Cooling Towers, Tom Bradley International Terminal, as well as the new terminal (Midfield Concourse) that is being constructed. The advanced-treated recycled water is intended to offset potable water uses in LAWA's facility's cooling towers and toilets. However, LASAN currently does not have any treatment facility designed nor capable of providing the level of advanced treatment for recycled water (beyond tertiary treatment) required for these anticipated uses by

LAWA. For a variety of reasons, including the demanding time schedule to have the treated water available for LAWA's use now and when future facilities are constructed, LASAN has decided to proceed with the design and construction of its advanced water treatment project as a progressive design-build project.

Developing the request for proposal and/or qualifications, negotiating with the selected proposer and finalizing the contract following the competitive process for a progressive, design-build project entails complex, specialized legal expertise. The proposed design-build project is a method of project delivery unlike the more typical design-bid-build project delivery method with which the City Attorney's Office has experience.

Due to the complex nature of design-build contracts and the sophistication and experience they require in all phases of their implementation, assistance from outside counsel is warranted.

Outside Counsel Evaluation

This project and related legal support requires expert, technical and other special services of a temporary and occasional character to develop the request for proposal as well as negotiate and draft the progressive, design-build contract pursuant to Los Angeles City Charter Sections 371(e)(2) and 372.

Nossaman LLP has extensive experience and demonstrated legal expertise relating to progressive design-build contracts, including in public contracting. Indeed, Nossaman LLP has a current contract with the City, providing legal support to the City on an unrelated progressive design-build project in addition to previous work on a previous LASAN progressive design-build project.

Recommendation

Based on the foregoing, this Office respectfully requests that Council approve the retention of Nossaman LLP, under a three-year contract for outside legal services, with an initial appropriation of \$200,000 funded through Department 50, Fund 761, Account 50NG4. LASAN has already agreed to this retention and expending these funds for this purpose subject to Council's approval of this recommendation.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand of my staff at (213) 978-8156. She or another member of this Office will be present when you consider this matter answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

ANNE HALEY
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