

0150-11544-0000

**TRANSMITTAL**

TO  
Eugene D. Seroka, Executive Director  
Harbor Department

DATE  
JAN 28 2020

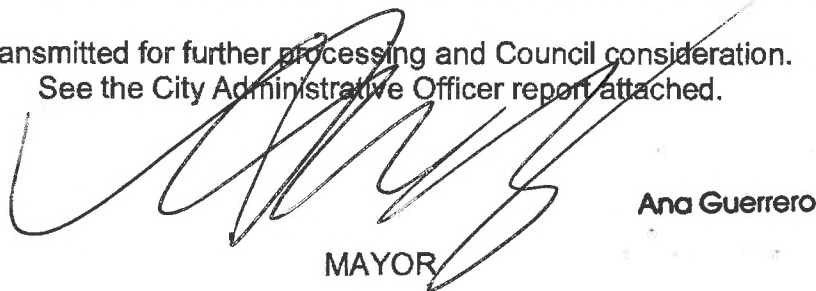
COUNCIL FILE NO.

FROM  
The Mayor

COUNCIL DISTRICT  
15

**PROPOSED FIRST AMENDMENT TO AGREEMENT NO. 17-3463 WITH T.Y. LIN  
INTERNATIONAL FOR ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN  
SERVICES FOR THE WILMINGTON WATERFRONT PEDESTRIAN BRIDGE**

Transmitted for further processing and Council consideration.  
See the City Administrative Officer report attached.



**Ana Guerrero**

MAYOR

RHL:JCY:10200075t

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: January 28, 2020

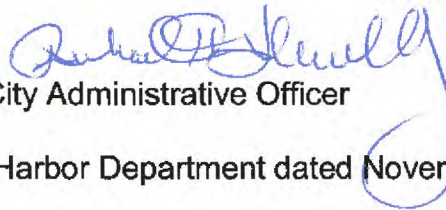
CAO File No. 0150-11544-0000

Council File No. --

Council District: 15

To: The Mayor

From: Richard H. Llewellyn, Jr., City Administrative Officer



Reference: Correspondence from the Harbor Department dated November 22, 2019

Subject: **PROPOSED FIRST AMENDMENT TO AGREEMENT NO. 17-3463 WITH T.Y. LIN INTERNATIONAL FOR ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE WILMINGTON WATERFRONT PEDESTRIAN BRIDGE (AVALON PROMENADE AND GATEWAY)**

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### RECOMMENDATIONS

That the Mayor:

1. Approve Harbor Department (Port) Resolution No. 19-9560 authorizing a proposed First Amendment to Agreement No. 17-3463 (Agreement) with T.Y. Lin International to extend professional consultant services for design, planning, engineering, architectural, landscaping and support services for the Wilmington Waterfront Pedestrian Bridge / Avalon Promenade and Gateway by an additional four-year term, from February 21, 2020 through February 20, 2024, for a total contract term of seven years, with an increase in maximum compensation of \$663,346, for a total not-to-exceed amount of \$2,189,375, and an update to Exhibit B of the Agreement to have the Scope of Work reflect the updated terms of the First Amendment and compensation rate sheet; and,
2. Return the document to the Port for further processing, including Council consideration.

### SUMMARY

The Harbor Department (Port) Board of Harbor Commissioners (Board) requests approval of the proposed First Amendment (Amendment) to Agreement No. 17-3463 (Agreement) with T.Y. Lin International (T.Y. Lin) to continue to provide professional consultant services for design, planning, engineering, architectural, landscaping design, and community outreach support, and design and records support during construction for the Wilmington Waterfront Pedestrian Bridge project, now referred to as the Avalon Promenade and Gateway project (Avalon Promenade). The Board

approved the original Agreement with T.Y. Lin in February 2017 for a term of three years, through February 20, 2020, and compensation up to \$1,524,029. The proposed Amendment will extend the term of the Agreement by an additional four years, from February 21, 2020 through February 20, 2024, for a total contract term of seven years. In addition, the proposed compensation is increased by \$665,346 for a total not-to-exceed amount of \$2,189,375.

The proposed Amendment reflects accommodations needed for planning delays and design changes due to a required land swap and ongoing negotiations with the Los Angeles Department of Water and Power (LADWP), and design changes and elements added after the public outreach process. Furthermore, Agreement terms related to insurance are updated to meet the City's insurance compliance standards. It is also recommended that the Agreement Scope of Work (Exhibit B) be updated to reflect and detail, as necessary, the changes made that require additional compensation as identified in Exhibit F-1 of the Amendment. This recommendation has been discussed with and accepted by the Port.

## **BACKGROUND**

The Avalon Promenade is a \$24 million component of the Wilmington Waterfront Development Project (WWDP), which is a long-term public access project focused on improving pedestrian connectivity from Wilmington to the waterfront. The Avalon Promenade component aims to create and develop approximately 12 acres of open space to enhance access to another component of the WWDP—the Wilmington Waterfront Promenade—with two major elements: a new pedestrian bridge parallel to Avalon Boulevard spanning two blocks and railroad tracks, and an entry plaza and gateway feature welcoming visitors to the Wilmington Waterfront. The project area includes land currently owned by LADWP, the Marine Tank Farm, on which two large fuel storage tanks are sited. The project assumes demolition of the tanks, remediation of the site, and a real estate exchange to place it under Port ownership and allow construction of the project.

The original Agreement with T.Y. Lin included professional consultant, engineering, architectural and landscaping design services for construction of the Avalon Promenade. T.Y. Lin was selected from a request for proposals process initiated in August 2016. Aside from project design, a major component of T.Y. Lin's work was to include significant public outreach to select and develop the design features for the project and major elements. T.Y. Lin was also tasked with planning and coordination with LADWP for removal of the fuel storage tanks.

The Port reports that, since the approval of the original Agreement, T.Y. Lin has supported the Port's public outreach effort through three public meetings, resulting in selection of a preferred alternative design and addition of restroom facilities. The selection of the preferred alternative requires additional design work, street vacation services, bridge analysis and public dialogue pertaining to the gateway feature. As of November 2019, design has progressed to 40 percent completion and is anticipated for completion in the first quarter of 2021, with construction expected to commence in October 2021 following construction bid and award.

Another contributor to delays in the project is the required coordination with LADWP for removal of

its fuel storage tanks. Over a series of meetings held from September 2018 through February 2019, the Council's Trade, Travel and Tourism Committee considered a Motion (Buscaino – Martinez, C.F. 18-0785) and discussed with Port and LADWP staff on the steps required and that each party was taking to complete the tank removal and land swap. The issues were deemed resolved and the Council received and filed the Motion on March 20, 2019. However, the Port reports that negotiations with LADWP have continued, and under the direction of the general managers of both departments, in consultation with Council District 15, an understanding was reached for LADWP to keep the westerly fuel storage tank at this time, with consideration for removal as soon as possible once it is determined that the westerly tank is no longer needed. T.Y. Lin will need to provide additional design and public outreach services for the project to accommodate the westerly tank. In the meantime, the LADWP has granted the Port a Right of Entry agreement to access the Marine Tank Farm site to commence construction activities while the easterly tank is being demolished and the area remediated.

The Amendment will extend the Agreement with T.Y. Lin for an additional four years, through February 20, 2024, and will increase maximum compensation in seven Scope of Work Task areas by \$665,346, to an Agreement total of \$2,189,375, to accommodate the additional time and work needed to address the issues described above. However, the proposed Amendment only provides an update to the compensation rate sheet (Exhibit F-1 to replace Exhibit F of the original Agreement), including the addition of two new Tasks – Task 16, Restroom Design and Task 17, Additional Arch Bridge Analysis. In total, cost increases or new costs are identified in seven Task areas. These Task areas correspond to Tasks identified in Exhibit B – Scope of Work/Services/Deliverables of the original Agreement. It is recommended that the Exhibit B Scope of Work also be updated to include Tasks 16 and 17 and reflect and detail the changes identified in Exhibit F-1, as needed, including the additional design concepts and public outreach needed.

The Port further reports that \$8.05 million in grant funding from the Measure M Multi-Year Subregional Program, administered by Metro, has been secured for construction of the bridge element. The funding is currently programmed for Fiscal Year 2022-2023 and will be funded on a reimbursement basis through the Harbor Revenue Fund.

The City Attorney has approved the proposed Amendment as to form and legality. The proposed Amendment is in compliance with all applicable provisions of City Ordinances and contracting requirements. Pursuant to Charter Section 1022, the Board determined that the services required can be performed more feasibly by an outside contractor than by City employees because there is insufficient City staff to perform the proposed work and additional staff cannot be trained in a timely manner to meet the Port's needs.

The Port Director of Environmental Management (Director) states that the proposed Amendment is an administrative activity, and the Avalon Promenade project has previously been assessed pursuant to the California Environmental Quality Act (CEQA) in the Wilmington Waterfront Environmental Impact Report, which was certified by the Board on June 18, 2009. Therefore, the Director has determined that the proposed Amendment is administratively exempt from the requirements of CEQA in accordance with Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

## **FISCAL IMPACT STATEMENT**

Approval of the proposed First Amendment to Harbor Department (Port) Agreement No. 17-3463 with T.Y. Lin International and the recommendations in this report will extend the contract term by four years, for a total of seven years, and increase maximum compensation by \$663,346 for a total not-to-exceed amount of \$2,189,375 over the term of the Agreement. The Port will continue to be financially responsible for payment of expenditures for the Agreement from its Harbor Revenue Fund. The Port reports that \$266,148 of funding in 2019-20 is available in the Harbor Revenue Fund Budget and that future fund needs will be requested through the Port's annual budgeting process. The proposed First Amendment will have no impact on the City General Fund.

*RHL:JCY:10200075*