

0220-05195-0003

**T R A N S M I T T A L**

TO The City Council	DATE 06/10/21	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT All	

**Department of Transportation proposed second amendment with Nelson/Nygaard to align with the approved extension of CALTRANS Active Transportation Cycle 1 funding.**

Approved and forwarded for further processing.  
See the City Administrative Officer report attached.



(Ana Guerrero for)

MAYOR

RHL:BA:06200108t

**Report From**  
**OFFICE OF THE CITY ADMINISTRATIVE OFFICER**  
**Analysis of Proposed Contract**  
(\$25,000 or Greater and Longer than Three Months)

To: Mayor	Date: 06-07-21	C.D. No. All	CAO File No.: 0220-05195-0003				
Contracting Department/Bureau: Department of Transportation		Contact: Margot Ocanas (213) 928-9707					
Reference: Department of Transportation request dated December 15, 2020; Referred to CAO for report on December 23, 2020							
Purpose of Contract: To prepare Safe Routes to School (SRTS) education and enforcement plans for the Top 50 schools of most need in the City							
Type of Contract: (X) Amendment (C-128965)	Contract Term Dates: February 27, 2017 to June 30, 2022						
Contract/Amendment Amount: \$ 0							
Proposed amount: \$ 0 + Prior award(s) \$ 2,399,121 = Total \$ 2,399,121							
Source of funds: Transportation Grant Fund No. 655 (reimbursed by State of California Active Transportation Grants by project)							
Name of Contractor: Nelson/Nygaard Consulting Associates, Inc. Address: 706 South Hill Street, Suite 1200, Los Angeles, CA 90014							
	Yes	No	N/A	Contractor has complied with:	Yes	No	N/A
1. Council has approved the purpose	X			8. Business Inclusion Program			X
2. Appropriated funds are available	X			9. Equal Benefits & First Source Hiring Ordinances	X		
3. Charter Section 1022 findings completed	X			10. Contractor Responsibility Ordinance	X		
4. Proposals have been requested	X			11. Slavery & Border Wall Disclosure Ordinances	X		
5. Risk Management review completed	X			12. Bidder Certification CEC Form 50	X		
6. Standard Provisions for City Contracts included	X			13. Prohibited Contributors (Bidders) CEC Form 55	X		
7. Workforce that resides in the City: 0 %				14. California Iran Contracting Act of 2010	X		


**RECOMMENDATION**

That the Mayor and Council authorize the General Manager of the Department of Transportation (LADOT), or designee, to execute a Second Amendment with Nelson/Nygaard Consulting Associates, Inc. to extend the term by 18 months, for a term from February 27, 2019 through June 30, 2022, to align with the approved extension of CALTRANS Active Transportation Program Cycle 1 funding, subject to the approval of the City Attorney as to form.

**BACKGROUND**

The Safe Routes to School (SRTS) program, a core strategy of Vision Zero, brings safety improvements to school neighborhood streets with an emphasis on enhancing safety and increasing the number of students walking and bicycling. In 2014, the Council adopted a prioritization methodology to rank order the 835 Los Angeles Unified School District (LAUSD) schools within the City, providing a transparent, data-driven roadmap for targeting infrastructure improvements to schools with most need.

In late 2014, LADOT received a grant award of \$1,900,000 in the State of California Active Transportation Program (ATP) Cycle 1 funds to prepare SRTS plans for the top 50 LAUSD schools with the most need. In December 2016, the Mayor authorized LADOT to enter into an agreement (C-128965) with Nelson/Nygaard Consulting Associates, Inc (Nelson/Nygaard) for a term from February

Bret Avrashow			 City Administrative Officer
BA	Analyst	06210108	

27, 2017 through February 26, 2019 and an amount not to exceed \$2,399,121 to develop education and enforcement programs for the Safe Routes to Schools Program.

On December 4, 2017, Council approved a First Amendment to remove a five percent retention of funds from the agreement between Nelson/Nygaard and the City. In May 2019, the Department received a time extension from the California Transportation Commission (CTC) to extend ATP Cycle 1 funds from the original date of December 31, 2019 through August 31, 2020. Following the closure of all Los Angeles Unified School District schools on March 13, 2020, the CTC approved LADOT's request to extend the time for using ATP Cycle 1 funds through June 30, 2022.

The Department now requests to execute a Second Amendment to extend their contract with Nelson/Nygaard through June 30, 2022 to match the extension given to the Department by the CTC for ATP Cycle 1 funds and to allow for payment to the Contractor for completed work. To date, 87% of the work is completed. There is no additional compensation requested as part of this amendment. This extension will align the term with the pending approval of an extension of CALTRANS ATP Cycle 1 funding and allow Nelson/Nygaard to provide virtual and in-person grant deliverables for the SRTS program, including safety campaigns, student safety patrol pilots, and travel tally reports.

This Office has confirmed that the recommended contractor has submitted the required documentation in compliance with City contracting policies. In accordance with Los Angeles Administrative Code Section 10.5, Council approval is required as the term of the contract will exceed three years. The contract contains language limiting City liability to the extent of appropriations provided by the Council and Mayor. The attached LADOT reports provide further detail on the proposed contract (Attachment).

## **FISCAL IMPACT STATEMENT**

There is a no General Fund impact. Front-funding is provided by the Transportation Grant Fund No. 655 and reimbursed by an ATP grant. Sufficient special fund revenues are available and eligible for this purpose.

## **FINANCIAL POLICIES STATEMENT**

The recommendations in this report comply with the City's Financial Policies in that current year revenues are used for current year expenses.

Attachment:  
Department of Transportation Report Dated December 15, 2020

*RHL:BA:06210108*

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL MEMORANDUM

Date: December 15, 2020

To: Honorable Eric Garcetti, Mayor  
Office of the Mayor  
Attention: Heleen Ramirez, Legislative Coordinator

From: Seleta J. Reynolds, General Manager  
Department of Transportation



Subject: **SECOND AMENDMENT TO AGREEMENT C-128965 BETWEEN THE LOS ANGELES DEPARTMENT OF TRANSPORTATION AND NELSON\NYGAARD CONSULTING ASSOCIATES, INC. FOR THE PREPARATION OF EDUCATION AND ENFORCMENT PLANS FOR THE CITY SAFE ROUTES TO SCHOOL PROGRAM.**

**SUMMARY**

The Los Angeles Department of Transportation (LADOT) requests authority to execute the Second Amendment to the Agreement with Nelson\Nygaard Consulting Associates, Inc. (Nelson\Nygaard) to implement active transportation safety education and encouragement programs for Safe Routes to School.

**RECOMMENDATION**

That the Council with the concurrence by the Mayor:

Authorize the LADOT General Manager to execute the Second Amendment to Agreement C-128965 with Nelson\Nygaard extending the term of the agreement through August 31, 2021, to align with the approved extension of CALTRANS Active Transportation Program Cycle 1 funding, ensuring the grant's deliverables are achieved.

**BACKGROUND**

Safe Routes to School (SRTS), a core strategy of Vision Zero, brings safety education to school communities with the goal of enhancing safety and increasing the number of students walking and bicycling. On June 22, 2016, LADOT issued a Request for Proposals (RFP) for a contractor to prepare and implement a portfolio of Safe Routes to School (SRTS) Education and Enforcement programs.

On December 30, 2016, the Mayor approved LADOT to enter into agreement with Nelson\Nygaard for a three-year term and a not to exceed amount of \$2,399, 121. The project scope includes a Vision Zero citywide campaign and school-centric pedestrian and bicycle safety education and encouragement activities as part of a CALTRANS Active Transportation Program (ATP) Cycle 1 grant awarded in 2014.

On December 4, 2017, the parties executed a First Amendment to remove a five (5%) percent retention of funds from the Agreement retroactive to contract execution date.

On March 13, 2019, LADOT submitted a First Request for Time Extension to the California Transportation Commission (CTC) to extend funding from December 30, 2019 to August 31, 2020 to allow the contractor to implement deliverables for the full 2019 – 2020 school year. CTC approved the

First Request for Time Extension on May 15, 2019.

On March 4, 2020, due to the COVID-19 pandemic, the Mayor declared a local emergency pursuant to Los Angeles Administrative Code Section 8.21. On March 13, 2020, Los Angeles Unified School District closed all schools, and all non-academic instruction programs were suspended.

In response to the COVID-19 pandemic and school closures statewide, CTC allowed for ATP funded projects with existing and approved extensions to submit an additional Request for Time Extension. On April 20, 2020, CTC approved LADOT's Second Request for Extension of the ATP Cycle 1 grant until August 31, 2021. Nelson\Nygaard will use the remainder of the contract performance period to provide virtual and in-person grant deliverables safety campaigns, student safety patrol pilots, travel tally reports, and program performance evaluation to achieve key benchmarks in the Vision Zero and Safe Routes to School Action Plans.

Per the Fiscal Year 2020-21 Cost Containment Measures implemented by the Office of Mayor Eric Garcetti on June 24, 2020, this contract amendment for an executed contract is fully funded by the ATP Cycle 1 grant and does not impact the approved contract ceiling or budget.

Attached for your consideration is the Second Amendment to Agreement C-128965 extending the term of the agreement through August 31, 2021, updating the Standard Provisions for City Contracts, and adding newly adopted City Contracting provisions as required by various ordinances.

#### **FINANCIAL IMPACT**

There is no impact to the General Fund. Funding will be provided by the State of California Active Transportation Program Grant (Cycle 1).

SJR:DM:CR:MV:mo

**SECOND AMENDMENT TO AGREEMENT NUMBER C-128965  
BETWEEN  
THE CITY OF LOS ANGELES  
AND  
NELSON\NYGAARD CONSULTING ASSOCIATES, INC.**

This Second Amendment to Contract Number C-128965 (“Agreement”) between the City of Los Angeles, a municipal corporation (“City”), acting by and through the Department of Transportation (“LADOT”), and Nelson\Nygaard Consulting Associates, Inc. (“Nelson\Nygaard,” “Contractor,” or “Consultant”) is entered into with reference to the following:

**WHEREAS**, on June 22, 2016, the LADOT issued a Request for Proposals (RFP) for a consultant to develop and implement Safe Routes to School Safety Education and Enforcement Programs; and

**WHEREAS**, Contractor submitted a proposal dated August 9, 2016, in response to the RFP and the City found Contractor’s response to satisfy the level of qualifications and experience necessary to provide the type and level of service required by the City; and

**WHEREAS**, on December 30, 2016, the Mayor approved LADOT to enter into agreement with Nelson\Nygaard for a maximum of \$2,399,121 to develop and implement a rich roster of pedestrian, bicycle and vehicle traffic safety education programs, activities and events as part of a grant awarded in 2014 by the State of California Active Transportation Program (ATP), Cycle 1; and

**WHEREAS**, the parties entered into the Safe Routes to School Safety Education and Enforcement Programs Agreement C-128965 on February 27, 2017 whereby the Contractor agreed to utilize ATP funds to conduct City, Los Angeles Unified School District and local school, and LADOT SRTS team engagement to inform program development; and

**WHEREAS**, on December 4, 2017, the parties entered into the First Amendment to Agreement C-128965, wherein the parties agreed to delete ARTICLE XXX (Thirty), RETENTION OF FUNDS, in its entirety and retroactively from the contract execution date; and

**WHEREAS**, the Contractor uses nationally recognized and City approved approaches to provide comprehensive program development, data collection and analysis, and outreach and engagement for informing safety education; and

**WHEREAS**, on May 15, 2019, the California Transportation Commission (“CTC”) approved the First Request for Time Extension for the Safe Routes to School Safety Education and Enforcement Programs until August 31, 2020; and

**WHEREAS**, in January of 2020 the World Health Organization (“WHO”) declared the outbreak of novel Coronavirus 2019 (“COVID-19”) a global health emergency and on March 11, 2020 the WHO designated the outbreak as a pandemic; and

**WHEREAS**, on March 4, 2020, the Governor of the State of California (“Governor”) declared a state of emergency as a result of the COVID-19 pandemic, pursuant to the California Emergency Services Act and Section 8625 of the California Government Code; and

**WHEREAS**, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local and public health emergency in response to the increased spread of COVID-19; and

**WHEREAS**, on March 4, 2020, the Mayor of the City of Los Angeles (“Mayor”) declared a local emergency pursuant to Los Angeles Administrative Code (“LAAC”) Section 8.21 et seq., (“Declaration of Local Emergency”); and

**WHEREAS**, on March 6, 2020, the City Council approved a resolution ratifying the Declaration of Local Emergency; and

**WHEREAS**, on March 13, 2020 the President of the United States (“POTUS”) declared the COVID-19 pandemic an emergency (“US COVID-19 Emergency Declaration”) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (Stafford Act”) thereby allowing reimbursement of eligible emergency protective measures taken to respond to the COVID-19 emergency; and

**WHEREAS**, COVID-19 poses a unique health and public safety concern, and to prevent the spread of COVID-19 in Los Angeles’ public schools, Los Angeles Unified School District on March 13, 2020 closed all schools and programs; and

**WHEREAS**, on April 10, 2020, the CTC, in response to the school closures statewide due to the COVID-19 pandemic, allowed for ATP funded projects with existing and approved extensions to submit additional Request for Extensions to complete the project; and

**WHEREAS**, on April 20, 2020, CTC approved LADOT’s Second Request for Extension; and

**WHEREAS**, LADOT desires in this Second Amendment to Agreement C-128965 to extend the performance period to August 31, 2021, update the City’s Standard Provisions for City Contracts, and add certain City contracting provisions as required by various ordinances; and

**NOW, THEREFORE**, in consideration of the above premises, and the mutual covenants and agreements herein contained, the parties agree as follows:

- 1. ARTICLE I, INTRODUCTION**, Paragraph C, City’s Representative is hereby amended in its entirety to read:

Name:	Margot Ocanas
Title:	Safe Routes to School Director
Address:	Los Angeles Department of Transportation 100 South Main Street, 9th Floor Los Angeles, California 90012

- 2.** Exhibit A, Standard Provisions for City Contracts, is hereby replaced in its entirety by the Standard Provisions for City Contracts (Rev. 10.17) [v.3] as amended, which is attached hereto.

- 3. ARTICLE IV, PERFORMANCE PERIOD**, Paragraph A, is hereby replaced in its entirety to read as follows:

This contract shall go into effect on February 27, 2017 through August 31, 2021, contingent upon

approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator.

Due to the need for Contractor's services to be provided continuously on an ongoing basis, Contractor may have provided services prior to the execution of this Second Amendment. To the extent that Contractor's services were performed in accordance with the terms and conditions of this Agreement, those services are hereby ratified.

4. **ARTICLE XXXI, NOTIFICATIONS**, is hereby amended in its entirety to read:

LOCAL AGENCY:

City of Los Angeles, Department of Transportation  
Margot Ocanas, Safe Routes to School Director  
100 South Main Street, 9<sup>th</sup> floor  
Los Angeles, California 90012

5. **ARTICLE XXXIV, SIGNATURES**, is hereby amended by renumbering the existing text as **ARTICLE XXXVI**.

6. The Agreement is hereby amended by adding a new **ARTICLE XXXIV, DISCLOSURE OF BORDER WALL CONTRACTING ORDINANCE**, immediately following ARTICLE XXXIII, CONTRACT, to read as follows:

Contractor shall comply with the Los Angeles Administrative Code Section 10.50 et seq., 'Disclosure of Border Wall Contracting.' The City may terminate this Contract at any time if City determines that Contractor failed to fully and accurately complete the required affidavit and disclose all Border Wall Bids and Border Wall Contracts, as defined in Los Angeles Administrative Code Section 10.50.1.

Contractor shall complete and upload a Disclosure of Ordinance Affidavit on LABAVN.org.

7. The Agreement is hereby amended by adding a new **ARTICLE XXXV, FAIR CHANCE INITIATIVE FOR HIRING ORDINANCE**, immediately following ARTICLE XXXIV, DISCLOSURE OF BORDER WALL CONTRACTING ORDINANCE, to read as follows:

Contractor shall be subject to the Fair Chance Initiative for Hiring Ordinance (Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance). The Ordinance provides, among other things, that contractors/subcontractors with at least 10 employees are: prohibited from seeking a job applicant's criminal history information until after a job offer is made; must post Fair Chance Initiative for Hiring Ordinance information in conspicuous places at worksites; and cannot withdraw a job offer based on an applicant's criminal history unless a link has effectively been made between the applicant's criminal history and the duties of the job position.

Contractor seeking additional information regarding the requirements of the Fair Chance Initiative for Hiring Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.



8. Except at herein amended, all other terms and conditions of this Agreement shall remain unchanged.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK  
SIGNATURE PAGE FOLLOWS**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

**THE CITY OF LOS ANGELES**

**NELSON\NYGAARD CONSULTING ASSOCIATES, INC.**

By: \_\_\_\_\_  
Seleta J. Reynolds  
General Manager  
Department of Transportation

By\*: \_\_\_\_\_  
President  
Nelson\Nygaard

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**  
MICHAEL N. FEUER, City Attorney

By\*\*: \_\_\_\_\_  
Chief Financial Officer  
Nelson\Nygaard

By: \_\_\_\_\_  
Michael Nagle  
Deputy City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST:**  
HOLLY L. WOLCOTT, City Clerk

By: \_\_\_\_\_

NOTE: If Contractor is a corporation, two signatures are required.

\* The signature of President, Chairman of the Board, or Vice President is required here; and

\*\* an additional signature of Secretary, Assistant Secretary, Chief Financial Officer, or Assistant Treasurer is also required for the Corporation.

Date: \_\_\_\_\_

City Agreement Number: C-128965-2

Council File Number: \_\_\_\_\_

# EXHIBIT A

## Standard Provisions for City Contracts