

10/19/23
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RECOMMENDATION APPROVED;
RESOLUTION 23-10249 ADOPTED AND;
AGREEMENT 23-3463-B APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS

October 19, 2023
AM KLESGES
AMBER M. KLESGES
Board Secretary



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: OCTOBER 5, 2023

FROM: ENGINEERING

SUBJECT: RESOLUTION NO. 23-10249 – SECOND AMENDMENT TO AGREEMENT NO. 17-3463 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND TY LIN INTERNATIONAL FOR THE ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE AVALON PEDESTRIAN BRIDGE AND PROMENADE GATEWAY PROJECT

SUMMARY:

Staff requests approval of the second Amendment to Agreement No. 17-3463 (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and TY Lin International (Consultant), of Los Angeles, California, to continue providing project management, planning, engineering, architectural design, landscape design, design support during bidding and construction and project closeout for the Avalon Pedestrian Bridge and Promenade Gateway Project (Project).

The proposed second Amendment will extend the Agreement by four years and ten months for a total term of eleven years and ten months and increase the Compensation by \$1,700,000 to a new not-to-exceed total of \$3,889,375. The second Amendment is required because of increased costs due to delays in design, property transfer, and expanded scope of services.

The Harbor Department will continue to be financially responsible for the payment of expenses incurred under the Agreement.

RECOMMENDATION:

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

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt and has been previously evaluated pursuant to the requirements of the California Environmental Quality Act (CEQA) under Article II Sections 2(f) and 2(i) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees;
3. Approve the second Amendment to Agreement No. 17-3463 between the City of Los Angeles Harbor Department and TY Lin International for the Avalon Pedestrian Bridge and Promenade Gateway Project by adding \$1,700,000 to the Compensation for a total not-to-exceed amount of \$3,889,375 and extending the term four years and ten months to a total term of eleven years and ten months with a completion date of December 31, 2028;
4. Direct the Board Secretary to transmit Amendment No. 2 to Agreement 17-3463 to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;

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5. Authorize the Executive Director to execute and the Board Secretary to attest to said Amendment for and on behalf of the Board; and
6. Adopt Resolution No. 23-10249.

DISCUSSION:

Background and Context

The Harbor Department continues its commitment to the community to revitalize the LA Waterfront by creating open spaces, public access to the waterfront, opportunities for commercial development, and programming of visitor-serving amenities. The Wilmington Waterfront Development Project (WWDP) Environmental Impact Report (EIR), certified on June 18, 2009, has set the framework for this development focusing on the Wilmington community.

The Project is located in Wilmington, CA within the boundaries of Harry Bridges Boulevard to the north, Water Street to the south, Broad Avenue to the east, and Marine Avenue to the west as shown in the site map (Transmittal 1). The Project will be the next piece connecting the Wilmington community to the waterfront and is subject to final property determination. It will provide visitor-serving opportunities and create hardscaped and landscaped open spaces with features such as pathways, an entry plaza with a gateway feature, parking courts, a restroom, an overlook, play and exercise areas, and a new pedestrian bridge that allows safe pedestrian access over the existing rail tracks to the new Wilmington Waterfront Promenade.

History:

On February 2, 2017, the Board approved the original Agreement with TY Lin International for a not-to-exceed amount of \$1,524,029 over a term of three years.

On November 21, 2019, the Board approved the first amendment, which increased Compensation by \$665,346 for a total not-to-exceed amount of \$2,189,375 and increased the term of the Agreement by four years for a total term of seven years.

Further delays in the project schedule have incurred to finalize property transfers between the Harbor Department and the Los Angeles Department of Water and Power (LADWP), which are required for this project. The on-going property transfer negotiations have resulted in re-phasing and re-scoping of the project. The current scope is to deliver the entire project under one construction contract so that the community of Wilmington can utilize all elements upon completion. Additionally, after thorough public outreach, the final bridge concept selected changed from a concrete box-girder design to a signature cable-stayed bridge.

The Agreement provides engineering support for the Project, including project management; planning; preparation of plans, specifications, and estimates; design support during bidding and construction, and project closeout and as-builts. Due to delays in design and property transfers the anticipated construction completion is Summer 2027 and will extend beyond the term of this Agreement resulting in the need for the second Amendment to Agreement No. 17-3463.

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Terms:

The second Amendment will add four years and ten months to the term of the Agreement for a completion date of December 31, 2028, which also accounts for time delays commencing construction or delays during construction.

Additionally, the second Amendment will increase compensation for professional design services for the following main components:

1. Continue design and construction support through the proposed extended term as the engineer of record; and
2. Added scope for design services during construction as a result of the bridge design changing from a box girder to a cable-stayed bridge and therefore involves additional submittal and field reviews during construction; and
3. Re-engage in design elements that were previously reallocated and continue design and design services during construction to deliver the complete project; and
4. Account for new design changes or unforeseen scope additions that may occur during construction; and
5. Account for unforeseen delays to construction duration that may occur due to third-party coordination and/or work.

Scope of Services

Consultant will continue to provide professional engineering services under this personal services agreement for the Project. Scope includes but is not limited to project management, planning, engineering, bridge design, architectural design, landscape design, bidding support, design support during construction and project closeout and as built.

The second Amendment extends design support services to the proposed completion date and adds professional services to the Agreement to include additional submittals and field reviews during construction for the cable-stayed bridge, anticipated unforeseen engineering design changes or scope additions during construction, and anticipated unforeseen delays in construction.

A notice to proceed from the Engineering Division is required prior to the Consultant proceeding with each individual task. The Harbor Department incurs no penalty should the Harbor Department decide not to proceed with any individual task.

Contract Requirements

The second Amendment to the Agreement is in conformance with both the City Service Contract Worker Retention and Living Wage Ordinances.

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Throughout the term of the Agreement, TY Lin International will maintain compliance with the City of Los Angeles' (City) contracting requirements. TY Lin International's overall sub-consultant business enterprise proposal is 25.0% Small Business Enterprise (SBE) and Very Small Business Enterprise (VSBE) combined. This represents \$972,343.75 in services going to these various business enterprises.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the second Amendment to the Agreement to complete design support services to the Avalon Pedestrian Bridge and Promenade Gateway Project, which is an administrative activity for which the underlying project has been previously assessed in the Final Environmental Impact Report for the Wilmington Waterfront Development Project (SCH# 2008031065), which was certified by the Board on June 18, 2009. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt and has been previously evaluated pursuant to the requirements of CEQA under Article II Sections 2(f) and 2(i) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the second Amendment will extend the term of the Agreement by four years and ten months to December 31, 2028 and increase the total not-to-exceed amount by \$1,700,000 from \$2,189,375 to \$3,889,375. If the second Amendment is approved, spending under the Agreement is expected to occur as follows:

FISCAL YEAR (FY)		AMOUNT
Prior Years:	\$	2,189,375
FY 2023/2024:	\$	220,000
FY 2024/2025	\$	550,000
FY 2025/2026	\$	550,000
FY 2026/2027	\$	350,000
FY 2027/2028	\$	20,000
FY 2028/2029	\$	10,000
Total:	\$	3,889,375

Fiscal Year (FY) 2023/2024 funds in the amount of \$220,000 are available within Project No. 2537700, Account 54220 (Architectural/Engineering Design), Center 1040, Program 624. Future fiscal year funding will be requested as part of the annual budget adoption process, subject to Board approval. If any subsequent fiscal year funds are not appropriated by the Board for the work required by this Agreement, the Agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred. A funding out clause is included in this Agreement.

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CITY ATTORNEY:

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

TRANSMITTALS:

1. Site Plan
2. Second Amendment to Agreement No. 17-3463
3. Agreement No. 17-3463
4. First Amendment to Agreement No. 17-3463

FIS Approval: MB
CA Approval: SO


Kurt Arend (Oct 10, 2023 12:02 HST)

KURT AREND for
Chief Harbor Engineer

Dina Aryan-Zahlan

DINA ARYAN-ZAHLAN, P.E.
Deputy Executive Director

APPROVED:

Maia Bbavins For
EUGENE D. SEROKA
Executive Director

Author: N. Preciado

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