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11-21-19

**RECOMMENDATION APPROVED;
RESOLUTION 19-9560 ADOPTED; AND
AGREEMENT 19-3463-A APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS**



Executive Director's
Report to the
Board of Harbor Commissioners

NOVEMBER 21, 2019

**AMBER M. KLESGES
Board Secretary**

DATE: NOVEMBER 21, 2019
FROM: ENGINEERING
SUBJECT: RESOLUTION NO. 19-9560 PROPOSED FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT, AND T.Y. LIN INTERNATIONAL FOR ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE WILMINGTON WATERFRONT PEDESTRIAN BRIDGE

SUMMARY:

Staff requests approval of a First Amendment to Agreement No. 17-3463 (Agreement) with T.Y. Lin International (T.Y. Lin). The proposed First Amendment will extend the Agreement by four additional years, for a total of seven years, to February 20, 2024. The total compensation under this Agreement will increase by \$665,346 for a total of \$2,189,375. The proposed First Amendment also modifies the agreement to reflect updated insurance provisions.

The First Amendment is required at this time in order to accommodate delays to the design and implementation schedule for the Wilmington Waterfront Pedestrian Bridge project and to provide continuity of engineering design and engineering support services during construction. Payment of expenses incurred under the Agreement will continue to be the financial responsibility of the Harbor Department.

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 from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) 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;

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3. Approve the First Amendment to extend Agreement No. 17-3463 with T.Y. Lin International by four additional years, for a total of seven years and increase the compensation by \$665,346, for a total of \$2,189,375;
4. Direct the Board Secretary to transmit the First Amendment to Agreement No. 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;
5. Authorize the Executive Director to execute and Board Secretary to attest to the said First Amendment for and on behalf of the Board of Harbor Commissioners; and
6. Adopt Resolution No. 19-9560.

DISCUSSION:

Background: The Port of Los Angeles (Port) continues its commitment to the community by revitalizing the LA Waterfront. The Wilmington Waterfront Development Project Environmental Impact Report (EIR) was certified on June 18, 2009. The Wilmington Waterfront Development Program is focused on connecting the community with the waterfront, creating open spaces, and developing visitor-serving opportunities in and around the Port.

The Wilmington Waterfront Pedestrian Bridge project, now referred to as the Avalon Promenade and Gateway project, will improve access from Wilmington to the waterfront by constructing a new pedestrian bridge and enhancing existing access to the Wilmington Waterfront Promenade. The project will also construct an entry plaza and gateway feature welcoming visitors to the Wilmington Waterfront. This Agreement provides for community outreach support; preparation of plans, specifications, and estimates; design support during construction; and preparation of as-built record drawings for this project. Furthermore, grant funding has been secured for construction of the pedestrian bridge element.

At its meeting on February 2, 2017, the Board approved the Agreement with T.Y. Lin. This Agreement provides professional engineering design support for the Harbor Department's Wilmington Waterfront Pedestrian Bridge project. The Agreement currently has a contract term of three years, with a not-to-exceed amount of \$1,524,029.

Additional time and funds for this Agreement are required to accommodate the following: 1) planning delays associated with the lack of availability and ongoing coordination with Los Angeles Department of Water and Power for the removal of their tank; 2) additional public outreach and concept development for the gateway feature; and 3) design of additional project elements identified during the public outreach process, such as

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restrooms. Staff recommends that it is in the best interest of the Harbor Department to amend the current Agreement in order to provide continuity of engineering design and engineering support services during the construction period, maintaining a single responsible party as Engineer of Record for professional liability.

Progress To Date: Since the Board approved the Agreement, substantial progress has been made towards the design of this project. T.Y. Lin supported the Port's public outreach effort consisting of three public meetings in which over 1,000 questionnaires were collected. Based on the feedback received, a preferred alternative was selected and design progressed up to 40%. Design is expected to be completed in 2021 with construction scheduled to start later that year.

First Amendment: The proposed First Amendment will extend the Agreement No. 17-3463 with T.Y. Lin International (Transmittal 1) by four additional years, for a total of seven years, to February 20, 2024. The total compensation under this Agreement will increase by \$665,346 for a total of \$2,189,375. The Agreement includes an overall 25% SBE participation requirement. The proposed First Amendment also modifies the Agreement to reflect updated insurance provisions.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of First Amendment to Agreement No. 17-3463 with T.Y. Lin, which is an administrative activity. The Wilmington Waterfront Pedestrian Bridge project was assessed pursuant to CEQA in the Wilmington Waterfront Environmental Impact Report (SCH# 2008031065), which was certified by the Board June 18, 2009. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed First Amendment will extend the Agreement with T.Y. Lin by four additional years, for a total of seven years and will increase the compensation by \$665,346 for a total of \$2,189,375.

FY 2020 funding in the amount of \$266,148 is available within the Capital Improvement Program Budget, Account 54220 (Architectural/Engineering Design Services), Center 1040, Program 624. Future Fiscal Year funds will be requested to be budgeted through the Harbor Department's annual budgeting process, upon Board approval.

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Fiscal Year	Amount
Previous Years	\$ 407,035.00
FY 2020	\$ 266,148.00
Future Years	\$ 1,516,192.00
TOTAL	\$ 2,189,375.00

The Harbor Department's financial obligations in future fiscal years is contingent upon the Board's appropriation of funds. If any subsequent fiscal year funds are not appropriated by the Board for the work required by the Agreement, then 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 within the Agreement.


CITY ATTORNEY

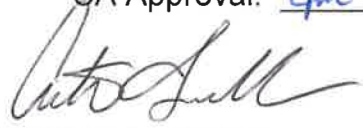
The Office of the City Attorney has prepared and approved the First Amendment as to form and legality.

TRANSMITTALS:


1. First Amendment to Agreement No. 17-3463 with T.Y. Lin International

FIS Approval: MB
 CA Approval: Quil


 DAVID M. WALSH, P.E.
 Chief Harbor Engineer


 ANTONIO V. GIOIELLO, P.E.
 Deputy Executive Director,
 Development

APPROVED:


 EUGENE D. SEROKA
 Executive Director

HAC:sc
25377b2 (First Amendment)