



Los Angeles World Airports

REPORT TO THE

BOARD OF AIRPORT COMMISSIONERS

3

Item Number

Cynthia Alexander

Approved by: Cynthia Alexander

D. Dazé

Reviewed by: Tim Dazé

R.S. Ilgunas

City Attorney: Ray Ilgunas

Justin Erbacci, Chief Executive Officer

Meeting Date:

4/22/2021

CAO Review:

- Completed
- Pending
- N/A

Reviewed for	Date	Approval Status	By
Finance	3/31/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	JS
CEQA	3/24/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW
Procurement	3/30/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond	QM
Guest Experience	3/31/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	TB
Strategic Planning	3/30/2021	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA	KC

SUBJECT: Fourth Amendment to DA-5190 with Nossaman LLP

Approve the Fourth Amendment to Contract No. DA-5190 with Nossaman LLP to continue providing LAWA with LAMP related legal services for property acquisitions. The Fourth Amendment will extend the contract by one year through May 3, 2022.

RECOMMENDATIONS:

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the Staff Report.
2. DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.f of the Los Angeles City CEQA Guidelines.
3. FIND that, pursuant to Charter Section 371(e)(2), competitive bidding for these professional services would not be practicable or advantageous.
4. FURTHER FIND that, pursuant to Charter Section 371(e)(10), competitive bidding for this work would be undesirable, impractical or impossible.
5. FURTHER FIND that, pursuant to Charter Section 1022, this work can be performed more economically or feasibly by an independent contractor than by City employees.

6. APPROVE the Fourth Amendment to Contract No. DA-5190 with Nossaman LLP, to continue providing LAWA with LAMP related legal services for property acquisitions. The Fourth Amendment will extend the contract by one year through May 3, 2022.
7. AUTHORIZE the Chief Executive Officer to execute the Fourth Amendment to Contract No. DA-5190 after approval as to form by the City Attorney and approval by the Los Angeles City Council.

DISCUSSION:

1. Purpose

The Fourth Amendment to Contract No. DA-5190 (Contract) will allow the law firm of Nossaman LLP (Firm) to continue providing LAWA with LAMP related legal services for property acquisitions.

2. Prior Related Actions

May 4, 2017 – Resolution No. 26230 (DA-5190)

The Board of Airport Commissioners (BOAC) authorized the Chief Executive Officer and the City Attorney's Office to enter into a three-year legal services agreement with the Firm. The initial Contract amount was for \$1,000,000. The Contract called for work to be paid on an hourly basis.

December 14, 2017 – Resolution No. 26392 (DA-5190A)

The BOAC approved a First Amendment adding funds in the amount of \$4,520,000. The focus on the amendment was to continue assisting LAWA in the planning, procurement and transactions of LAMP, as well as to continue assisting with property acquisition work for LAMP.

December 20, 2018 – Resolution No. 26668 (DA-5190B)

The BOAC approved a Second Amendment adding funding in the amount of \$3,800,000. The focus continued with assisting LAWA in the planning, procurement and transactions of LAMP, as well as to continue assisting with property acquisition work for LAMP.

March 5, 2020 – Resolution No. 26972 (DA-5190C)

The BOAC approved a Third Amendment extending the contract by one year to May 3, 2021. The focus continued providing LAWA with LAMP related legal services for property acquisitions and contractual support during contract implementation.

3. Current Action

The current Contract with Nossaman LLP expires on May 3, 2021. Nossaman LLP's acquisition work involves assisting LAWA and the City Attorney with property acquisitions and ongoing pre-condemnation work, such as securing resolutions of necessity, initiating litigation, and obtaining timely prejudgment possession of parcels. In the next year, it is anticipated that LAWA will need legal assistance to acquire various temporary and permanent easements and other property interests necessary for the construction of roadway improvements as part of the LAMP project. Further, Nossaman LLP currently is assisting with three eminent domain cases in litigation. Nossaman LLP will be assisting with pre-trial discovery, including expert witness depositions, aiding in settlement negotiations, and preparation for trial if necessary.

Action Requested

Approve the Fourth Amendment to DA-5190 with Nossaman LLP to extend the contract by one year through May 3, 2022.

Fiscal Impact

Costs incurred under this contract will be recovered through landing fees, terminal rates and charges, as well as non-aeronautical revenues; however, no additional funds are required at this time.

4. Alternatives Considered

- ***Perform the Work In-House***

There is insufficient in-house City Attorney staff with this specialized expertise. Also, hiring additional in-house City Attorney staff for this work is impractical as it would not meet the immediate need for counsel with specialized expertise and experience on this matter. The City Attorney's Office will continue to provide legal services as well as closely manage the Firm's services. Therefore, it would be in the best interests of LAWA to enter into the Fourth Amendment to Contract No. DA-5190.

APPROPRIATIONS:

Funds for this amendment are currently available in the Fiscal Year 2020-21 Los Angeles World Airports Operating Budget on Cost Center 1110004 – Legal Services Division, Commitment Item 520 - Contractual Services, or they may be provided through other Board appropriations. Funding for subsequent periods will be requested as part of the annual budget process.

STANDARD PROVISIONS:

1. This action, as a continuing administrative and personnel-related activity, is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.f of the Los Angeles City CEQA Guidelines.
2. The Fourth Amendment to Contract will be approved by the City Attorney as to form.
3. The Fourth Amendment to Contract will become final pursuant to the provisions of Los Angeles City Charter Sections 373.
4. Nossaman LLP will comply with the provisions of City Charter Section 609(e) and related ordinances.
5. Nossaman LLP will comply with the provisions of the Living Wage Ordinance.
6. This item is not subject to the provisions of the Small Business Enterprise Program.
7. Nossaman LLP will comply with the provisions of the Affirmative Action Program.
8. Nossaman LLP has been assigned Business Tax Registration Certificate No. 0000113159-001-0.

9. Nossaman LLP will comply with the provisions of the Child Support Obligations Ordinance.
10. Nossaman LLP have approved insurance documents, in the terms and amounts required, on file with the Los Angeles World Airports.
11. Pursuant to Charter Section 1022, it has been determined that the work specified in this contract can be performed more feasibly or economically by an Independent Contractor than by City employees.
12. Nossaman LLP has submitted the Contractor Responsibility Program Questionnaire and Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Program.
13. Nossaman LLP must be determined by the Office of Contract Compliance to be in full compliance with the provisions of the Equal Benefits Ordinance prior to execution of Amendment.
14. Nossaman LLP will comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.
15. Nossaman LLP has submitted Bidder Contributions CEC Form 55 and will comply with its provisions.
16. Nossaman LLP has submitted the Municipal Lobbying Ordinance CEC Form 50 and will comply with its provisions.
17. This action is not subject to the provisions of the Iran Contracting Act of 2010.