



RESOLUTION NO. 27377

WHEREAS, on recommendation of Management, there was presented for approval, Second Amendment to Contract DA-5336 with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. to increase the contract authority by \$1,165,000, for new total of \$2,015,000, and extend the term through December 19, 2023, covering legal services to assist Los Angeles World Airports and the City Attorney's Office with public contracting, construction litigation issues, and other related legal issues involving Los Angeles International Airport and Van Nuys Airport; and

LAX

Van Nuys

City of Los Angeles

Eric Garcetti  
Mayor

Board of Airport  
Commissioners

Beatrice C. Hsu  
President

Valeria C. Velasco  
Vice President

Sean O. Burton  
Gabriel L. Eshaghian  
Nicholas P. Roxborough  
Dr. Cynthia A. Telles  
Karim Webb

Justin Erbacci  
Chief Executive Officer

WHEREAS, under its current contract, Hunt Ortmann Palffy Nieves Darling & Mah, Inc. (Hunt Ortmann) has been assisting the City Attorney's Office with advice regarding the Midfield Satellite Concourse (MSC) North Project, among other matters, for the past three (3) years. This has included helping evaluate and respond to various claims made by the prime contractor, Turner-PCL, Joint Venture; and

WHEREAS, said project reached substantial completion in early 2021 and, since that time, the Los Angeles World Airports (LAWA) project team has been working closely with the City Attorney and Hunt Ortmann to work through the dispute resolution process with the prime contractor and to close out the contract. This has included working with subject matter experts and a project neutral to help evaluate and negotiate claims. The prime contractor has made significant claims and the closeout process is continuing; and

WHEREAS, there are no attorneys within the Airport Division who have the same level of expertise, knowledge, experience, proficiency, or skills as do the outside counsel attorneys in order to represent LAWA in the various types of complex and sophisticated construction litigation matters that are in process or anticipated. However, the legal expertise for those tasks is temporary and occasional in nature and, thus, employment of permanent counsel for those legal services is not justified. Continued assistance of outside counsel with specialized legal skills pertinent to construction matters, including litigation, will provide the necessary support to LAWA for the services; and

WHEREAS, because Hunt Ortmann has spent valuable time and resources assisting LAWA and the City Attorney on the matter, to hire a new firm that would need to spend significant time researching the file and being brought up to speed on all of the issues in order to handle the continued closeout and potential litigation would not be practical or advantageous to LAWA. Hunt Ortmann has provided a budget for those continued activities; and

WHEREAS, it is anticipated that Hunt Ortmann will primarily be used to assist with the closeout of the MSC North Project. The amended contract amount will cover the budgeted amount for the first year of the Amendment. If the claims for the MSC Project have not been resolved after the first year, LAWA staff will seek approval of funding for the second year from the Board of Airport Commissioners; and

WHEREAS, funds for the contract are currently available in the Fiscal Year 2021-2022 LAWA Operating Budget in Cost Center 1110004 – Legal Services Division, Commitment Item 520 – Contractual Services. Funds for subsequent years will be requested as part of the annual budget process; and



WHEREAS, this action, as a continuing administrative activity, is exempt from California Environmental Quality Act (CEQA) requirements pursuant to Article II, Section 2.f. of the Los Angeles City CEQA Guidelines; and

WHEREAS, Hunt Ortmann will be required to comply with the provisions of City Charter Section 609(e) and related ordinances; and

WHEREAS, Hunt Ortmann is required by contract to comply with the provisions of the Living Wage Ordinance; and

WHEREAS, Hunt Ortmann has a current Affirmative Action Plan on file with the City of Los Angeles, and is required by contract to comply with the provisions of said program; and

WHEREAS, Hunt Ortmann has been assigned Business Tax Registration Certificate 0000104519-0001-9; and

WHEREAS, Hunt Ortmann is required by contract to comply with the provisions of the Child Support Obligations Ordinance; and

WHEREAS, Hunt Ortmann has approved insurance documents, in the terms and amounts required, on file with LAWA; and

WHEREAS, pursuant to Charter Section 1022, staff determined that the work specified in the contract can be performed more feasibly or economically by an Independent Contractor than by City employees; and

WHEREAS, Hunt Ortmann has submitted the Contractor Responsibility Program Pledge of Compliance, and will comply with the provisions of said program; and

WHEREAS, Hunt Ortmann must be determined by the Public Works, Office of Contract Compliance, to be in full compliance with the provisions of the Equal Benefits Ordinance prior to execution of the Second Amendment; and

WHEREAS, Hunt Ortmann will comply with the provisions of the First Source Hiring Program for all non-trade Los Angeles International Airport jobs; and

WHEREAS, Hunt Ortmann has submitted the Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55, and complies with their provisions; and

WHEREAS, actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners adopted the Staff Report; determined 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; found that the work can be performed more economically or feasibly by an independent contractor than by City employees; approved the Second Amendment to Contract DA-5336 with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. to increase the contract authority by \$1,165,000, for new total of \$2,015,000, and extend the term through December 19, 2023, covering legal services to assist Los Angeles World Airports and the City Attorney's Office with public contracting, construction litigation issues, and other related legal issues involving Los Angeles International Airport and Van Nuys Airport; and authorized the Chief Executive Officer to execute said Second Amendment to Contract

DA-5336 with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. after approval as to form by the City Attorney and approval by the Los Angeles City Council.

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I hereby certify that this Resolution No. 27377 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, November 18, 2021.

A handwritten signature in blue ink, appearing to read "Grace Miguel".

Grace Miguel – Secretary  
BOARD OF AIRPORT COMMISSIONERS