

RESOLUTION NO. 27694

WHEREAS, on recommendation of Management, there was presented for approval, First Amendment to Contract DA-5464 with Kaplan Kirsch & Rockwell LLP to increase the contract authority by \$550,000, for new total of \$750,000, and extend the term by two (2) years, covering legal services for Los Angeles World Airports pertaining to the Landside Access Modernization Program public contracting, advisory and claims work, and other related services; and

WHEREAS, under said contract with Kaplan Kirsch & Rockwell LLP (Kaplan Kirsch), the legal support during contract implementation involves advising Los Angeles World Airports (LAWA) on assessing availability payment deductions and non-compliance point deductions for failure to meet certain contract requirements, assessing claims, and advising on potential change orders for the Consolidated Rental Car Project (ConRAC). Commencing in 2021, the number of claims and contract disputes between LAWA and the developer, LA Gateway Partners (LAGP), increased significantly, thereby increasing the need for Kaplan Kirsch's specialized legal services to support the ConRAC team and the City Attorney's Office. The numerous disputes have resulted in counsel engaging in regular meetings with the LAWA ConRAC project team to address and evaluate the various claims being submitted by LAGP. Moreover, legal support has been needed during a series of lengthy negotiations between the parties that did not resolve disputes pertaining to some of the larger claims. Additionally, legal support has been necessary to support the project team during the formal Project Neutral hearings, including formal legal briefings, in-person meetings and presentations to the Project Neutral. As a result of those negotiations and technically complex and highly involved dispute proceedings, Kaplan Kirsch has almost expended the not-to-exceed amount budgeted under the contract; and

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Chief Executive Officer

WHEREAS, while many of said claims have been resolved, LAWA staff and the City Attorney's Office believe that it would be both cost-effective and advantageous for the City to have Kaplan Kirsch continue providing legal support and assisting the ConRAC project team and the City Attorney until the construction phase is complete; and

WHEREAS, presently, the City Attorney's Office does not have sufficient expertise or personnel to address the vast array of complex and multifaceted construction transactions and disputes in which LAWA is engaged or will be engaged in during the next few years. Furthermore, the legal expertise for the tasks is temporary and occasional in nature and, thus, employment of permanent public contracting/construction litigation counsel is not justified; and

WHEREAS, funds for the contract are available in Fiscal Year 2022-2023 LAWA Operating Budget in Cost Center 1110004 – Legal Services Division, Commitment Item 520 – Contractual Services. Funding for subsequent years will be requested as part of the annual budget process; and

WHEREAS, any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of the California Environmental Quality Act (CEQA) is exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. The Landside Access Modernization Program Environmental Impact Report was certified by the Board of Airport Commissioners on March 2, 2017 (Resolution 26185); and

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

WHEREAS, Kaplan Kirsch is required by contract to comply with the provisions of the Living Wage Ordinance, Affirmative Action Program, and Child Support Obligations Ordinance; and



WHEREAS, Kaplan Kirsch has been assigned Business Tax Registration Certificate 0002939999-0001-9; and

WHEREAS, Kaplan Kirsch 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 and economically by independent contractors than by City employees; and

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

WHEREAS, Kaplan Kirsch has been determined by Public Works, Office of Contract Compliance, to be in compliance with the provisions of the Equal Benefits Ordinance; and

WHEREAS, Kaplan Kirsch will be required to comply with the provisions of the First Source Hiring Program for all non-trade Los Angeles International Airport jobs; and

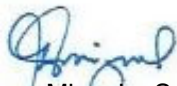
WHEREAS, Kaplan Kirsch has submitted the MLO Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55, and will comply with their provisions; and

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.i 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 First Amendment to Contract DA-5464 with Kaplan Kirsch & Rockwell LLP to increase the contract authority by \$550,000, for new total of \$750,000, and extend the term by two (2) years, covering legal services for Los Angeles World Airports pertaining to the Landside Access Modernization Program public contracting, advisory and claims work, and other related services; and authorized the Chief Executive Officer, or designee, to execute said First Amendment to Contract DA-5464 with Kaplan Kirsch & Rockwell LLP 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. 27694 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, March 16, 2023.



Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS