

0150-12509-0000

**TRANSMITTAL**

TO Eugene D. Seroka, Executive Director Harbor Department	DATE 12/12/2023	COUNCIL FILE NO.
FROM The Mayor		COUNCIL DISTRICT 15

**RESOLUTION NO. 23-10249 AND PROPOSED SECOND AMENDMENT TO AGREEMENT NO. 17-3463 WITH T.Y. LIN INTERNATIONAL FOR THE ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE AVALON PEDESTRIAN BRIDGE AND PROMENADE GATEWAY PROJECT**

Approved and transmitted for further processing including Council consideration.  
See the City Administrative Officer report attached.



MAYOR

(Carolyn Webb de Macias for)

Attachment  
MWS/PJH/JVW:SHF:10240065t

**REPORT FROM**

**OFFICE OF THE CITY ADMINISTRATIVE OFFICER**

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Date: October 25, 2023

CAO File No. 0150-12509-0000  
Council File No.  
Council District: 15

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer



Reference: Correspondence from Los Angeles Board of Harbor Commissioners (Board) dated October 19, 2023 regarding October 19, 2023 Board Resolution; referred by the Mayor for report on October 20, 2023

Subject: **RESOLUTION NO. 23-10249 AND PROPOSED SECOND AMENDMENT TO AGREEMENT NO. 17-3463 WITH T.Y. LIN INTERNATIONAL FOR THE ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE AVALON PEDESTRIAN BRIDGE AND PROMENADE GATEWAY PROJECT**

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**RECOMMENDATIONS**

That the Mayor:

1. Approve Los Angeles Harbor Department (Port) Resolution No. 23-10249 which authorizes the proposed Second Amendment to Agreement No. 17-3463 between the Port and T.Y. Lin International by adding \$1,700,000 in compensation for a total not-to-exceed contract amount of \$3,889,375 and extending the term by four years and ten months to a total term of eleven years and ten months through December 31, 2028, for the Avalon Pedestrian Bridget and Promenade Gateway Project;
2. Adopt the October 19, 2023 Board of Harbor Commissioners findings that:
  - a. the proposed action is administratively exempt from the requirements of California Environmental Quality Act (CEQA) under Article II Sections 2(f) and 2(i) of the Los Angeles City CEQA Guidelines; and
  - b. in accordance with the City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees; and
3. Authorize the Port Executive Director, or designee, to execute the proposed amendment, already approved as to form by the City Attorney, and return the Resolution to the Port for further processing, including Council consideration.

## SUMMARY

The Los Angeles Board of Harbor Commissioners (Board) requested approval of its October 19, 2023 Resolution No. 23-10249 which authorizes the proposed Second Amendment (Amendment) to Agreement No. 17-3463 (Agreement) with T.Y. Line International (T.Y. Lin) to continue as the Engineer of Record to provide project management, architectural and engineering services, and design support during bidding, construction, project closeout, and as-builts for the Avalon Pedestrian Bridge and Promenade Gateway Project (Project), formerly referred to as the Wilmington Waterfront Pedestrian Bridget Project. The proposed Amendment adds \$1,700,000 in compensation for a total not-to-exceed contract amount of \$3,889,375 and extends the term by four years and ten months for a total contract term of eleven years and ten months with a completion date of December 31, 2028. The additional funding and time are needed due to delays in design, property transfers, and expanded scope of services.

The proposed Amendment has been reviewed and approved as to form by the City Attorney. Pursuant to Charter Section 373 and Los Angeles Administrative Code Section 10.5, Council approval is required because the cumulative contract term exceeds three years. Our office has reviewed the request and recommends approval.

## BACKGROUND

The Los Angeles Harbor Department (Port) 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 Environmental Impact Report (EIR) for the Wilmington Waterfront Development Project (WWDP), certified by the Board on June 18, 2009, has set the framework for the development focusing on the Wilmington community. The Project is one of the central components of the WWDP.

The Project is located in Wilmington, California 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. It includes two major elements as shown in Figure 1. Site Map: a new pedestrian bridge that allows safe pedestrian access over the existing rail tracks to the new Wilmington Waterfront Promenade and an entry plaza with gateway features welcoming visitors. The Project aims to better connect the Wilmington community to the waterfront.



*Unforeseen Delays* – The Project requires property transfers between the Port and the Los Angeles Department of Water and Power (LADWP), including the elimination of two large tanks at the LADWP Marine Tank Farm Facility located at the intersection of Avalon and Harry Bridge Boulevard. The negotiations and process are complex and lengthy. The tanks are required to be decommissioned in order to be cleaned and cleared. The LADWP has begun this regulatory process with the U.S. Department of Environmental Protection Agency. Furthermore, after a thorough public outreach, the concept of the pedestrian bridge was evolved from a conventional box girder design into a more elaborate cable-stayed arch design, which resulted in additional design services and engineering support, especially during construction.

*Original Agreement* – The Board approved the original Agreement with T.Y. Lin on February 2, 2017 for a not-to-exceed amount of \$1,524,029 and a term of three years through February 20, 2020. As a result of a competitive Request for Proposals process, the Port selected T.Y. Lin, a California corporation, to provide engineering services supporting the Project. The Agreement provides for community outreach support; project management and planning; engineering, architectural, and landscaping design; preparation of plans, specifications and estimates (PS&E); and support services during construction and as-builts.

*First Amendment* – The Board approved the First Amendment on November 21, 2019 (C.F. 20-0130) to extend the term by four additional years for a total term of seven years through February 20, 2024 and increase the compensation by \$665,346 for a total not-to-exceed amount of \$2,189,375. This amendment accommodated the needs for planning delays and design changes due to the abovementioned land swap and ongoing negotiations with the LADWP.

*Current Proposed Second Amendment* – The proposed Amendment adds \$1,700,000 in compensation for a total not-to-exceed amount of \$3,889,375 and extends the term by four years and ten months for a total term of eleven years and ten months ending on December 31, 2028. As a result of the above described unforeseen delays and change of scope, the additional time and funds are needed to allow the same Engineer of Record to continue providing professional engineering services throughout the Project construction, closeout, and as-builts; and to reflect cost escalation due to inflation over extended term. The additional funding also includes a contingency to cover future unforeseen design and/or schedule changes that may occur during the construction.

The proposed additional funding of \$1,700,000 is expected to be spent over six fiscal years as follows:

<b>Proposed Spending Schedule by Fiscal Year (FY)</b>							
FY	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	Total
Amount	\$220,000	\$550,000	\$550,000	\$350,000	\$20,000	\$10,000	\$1,700,000

## **CITY COMPLIANCE**

*California Environmental Quality Act (CEQA)* – On October 19, 2023, the Board determined that the proposed action is administratively exempt from requirements of CEQA pursuant to Article II Sections 2(f) and 2(i) of the Los Angeles City CEQA Guidelines.

On October 19, 2023 the Board approved the Port's finding 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.

Throughout the term of the Agreement, T.Y. Lin will maintain in compliance with the City's contracting requirements, including the City Service Contract Worker Retention and Living Wage Ordinances. T.Y. Lin's overall sub-consultant business enterprise proposal is 25% Small Business Enterprise (SBE) and Very Small Business Enterprise (VSBE) combined. This represents up to \$972,344 in services going to various SBE and VSBE business enterprises.

The City Attorney has reviewed and approved the proposed Amendment as to form. Pursuant to Charter Section 373 and Los Angeles Administrative Code Section 10.5, Council approval is required because the cumulative contract term exceeds three years. Our office recommends approval.

## **FISCAL IMPACT STATEMENT**

Funding in the amount of not-to-exceed \$1,700,000 for the proposed Amendment is expected to be utilized over six fiscal years. Fiscal Year (FY) 2023-24 funding in the amount of \$220,000 is available in the Harbor Department's Architectural/Engineering Design Account (No. 54220). Funding for future FYs will be contingent upon approval of funds by the Board as part of the annual budget adoption process. If any subsequent FY funds for work required by the Agreement are not appropriated by the Board, the Agreement shall be terminated. However, such termination shall not relieve the parties of liability for any obligations previously incurred. The recommendations in this report and proposed actions comply with the Department's Financial Policies. There is no impact on the City's General Fund.

Attachment 1 – October 19, 2023 Harbor Board report, Resolution 23-10249

*MWS:PJH/JVW:SHF:10240065*