



Los Angeles World Airports

Item Number  
1000

# REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

D. Dazé

Approved by: Tim Dazé

D. Dazé

Reviewed by: Tim Dazé

R.S. Ilgunas

City Attorney – Ray Ilgunas

Justin Erbacci, Chief Executive Officer

Meeting Date:

3/18/2021

CAO Review:

- Completed
- Pending
- N/A

Reviewed for	Date	Approval Status	By
Finance	3/5/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	CI
CEQA	3/3/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW
Procurement	3/4/2021	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Cond	LK
Guest Experience	3/5/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	TB
Strategic Planning	3/5/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	KC

**SUBJECT: Second Amendment to Contract DA-5063 with Meyers Nave, Second Amendment to Contract DA-5078 with Remy Moose Manley LLP and Third Amendment to Contract DA-5062 with Kaplan Kirsch & Rockwell LLP**

Approve a Second Amendment to Contract DA-5063 with Meyers Nave to extend the term for an additional year to March 31, 2022 and to add \$400,000, approve a Second Amendment to Contract DA-5078 with Remy Moose Manley LLP ("Remy Moose") to extend the term for an additional year to April 30, 2022 and to add \$50,000, and approve a Third Amendment to Contract DA-5062 with Kaplan Kirsch & Rockwell LLP ("Kaplan Kirsch") to extend the term to March 31, 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 the work can be performed more economically or feasibly by an independent contractor than by City employees.

4. APPROVE the Second Amendment to Contract DA-5063 with Meyers Nave to add \$400,000 and extend one year to March 31, 2022.
5. FURTHER APPROVE the Second Amendment to Contract DA-5078 with Remy Moose to add \$50,000 and extend one year to April 30, 2022.
6. FURTHER APPROVE the Third Amendment to Contract DA-5062 with Kaplan Kirsch to extend one year to March 31, 2022.
7. AUTHORIZE the Chief Executive Officer to execute the Second Amendment to Contract DA-5063 with Meyers Nave after approval by the Los Angeles City Council.
8. FURTHER AUTHORIZE the Chief Executive Officer to execute the Second Amendment to Contract DA-5078 with Remy Moose after approval by the Los Angeles City Council.
9. FURTHER AUTHORIZE the Chief Executive Officer to execute the Third Amendment to Contract DA-5062 with Kaplan Kirsch after approval by the Los Angeles City Council.

### **DISCUSSION:**

#### **1. Purpose**

The Second Amendment to the Meyers Nave Contract, DA-5063, and the Second Amendment to the Remy Moose Contract, DA-5078, will add additional funds and one additional year to each, and the Third Amendment to the Kaplan Kirsch Contract, DA-5062, will add one additional year. The amendments to the Meyers Nave and Kaplan Kirsch contracts will extend the terms of each contract to March 31, 2022, and the amendment to the Remy Moose contract will extend the term to April 30, 2022. These amendments are required to continue needed legal support to the City Attorney on key issues involving environmental and regulatory matters. Without the requested amendments, the contracts will expire March 31, 2021 and April 30, 2021 respectively.

#### **2. Prior Related Actions**

- **March 17, 2016 – Resolution No. 25911 (DA-5063)**

The Board of Airport Commissioners (BOAC) authorized the Chief Executive Officer and the City Attorney's Office to enter into a three-year services agreement with Meyers Nave. The initial Contract amount was for \$800,000. The Contract called for work to be paid on an hourly basis.

- **March 21, 2019 – Resolution No. 26720 (DA-5063A)**

The BOAC approved a First Amendment to the Meyers Nave Contract, extending the contract two years to March 31, 2021.

- **May 5, 2016 – Resolution No. 25958 (DA-5078)**

The Board of Airport Commissioners (BOAC) authorized the Chief Executive Officer and the City Attorney's Office to enter into a three-year services agreement with Remy Moose Manley LLP. The initial Contract amount was for \$300,000. The Contract called for work to be paid on an hourly basis.

- **April 10, 2019 – Resolution No. 26731 (DA-5078A)**  
The BOAC approved a First Amendment to the Remy Moose Contract, adding \$230,000 and extending the contract two years to April 30, 2021.
- **March 17, 2016 – Resolution No. 25911 (DA-5062)**  
The Board of Airport Commissioners (BOAC) authorized the Chief Executive Officer and the City Attorney's Office to enter into a three-year services agreement with Kaplan Kirsch. The initial Contract amount was for \$450,000. The Contract called for work to be paid on an hourly basis.
- **July 11, 2018 – Resolution No. 26537 (DA-5062A)**  
The BOAC approved a First Amendment to the Kaplan Kirsch Contract, adding funds in the amount of \$525,000.
- **March 21, 2019 – Resolution No. 26720 (DA-5062B)**  
The BOAC approved a Second Amendment to the Kaplan Kirsch Contract, extending the contract two years to March 31, 2021.

### 3. Current Action

This report seeks approval of a Second Amendment to the contract of Meyers Nave to add \$400,000 and approval of a Second Amendment to the contract of Remy Moose to add \$50,000. The Third Amendment to the contract of Kaplan Kirsch and the second amendments to the Meyers Nave and Remy Moose contracts will extend the terms of each contract for additional one year beyond their respective current expiration dates. The amendments would not change the terms or the rates of the contracts. The City Attorney's Office will issue an RFP in the Fall of 2021 to handle these services.

The extension of all three of the contracts will allow access to ongoing strategic CEQA and NEPA advice from the firms for the many high profile and environmentally complicated LAWA and LAWA tenants' development projects. These projects include, but are not limited to, the Airfield and Terminal Modernization Project ("ATMP"), the proposed Concourse 0, the proposed Terminal 9, and work on high-exposure Per- and Polyfluoroalkyl Substances (PFAS) and Underground Storage Tank regulatory compliance matters.

The type of legal expertise necessary to properly advise LAWA on environmental issues is highly technical and specialized. It is vital to have this expertise under contract with a readily available budget to respond to time sensitive complex issues as they arise. LAWA would be disadvantaged if it could not obtain such advice as needed.

#### ***How this action advances a specific strategic plan goal and objective***

This action advances this strategic goal and objective: *Deliver Facilities & Guest Experiences that are Exceptional: Develop, maintain and operate first class facilities.* These legal services support the City Attorney in providing advice related to ongoing and upcoming LAWA airports projects requiring CEQA and NEPA and other environmental and federal regulatory legal analysis.

### ***Action Requested***

APPROVE the Second Amendment to Contract DA-5063 with Meyers Nave and the Second Amendment to Contract DA-5078 with Remy Moose, to add funds and to extend each contract for an additional year, and the Third Amendment to Contract DA-5062 with Kaplan Kirsch to extend the contract for an additional year.

### ***Fiscal Impact***

Approval of this item will result in an increase in contract authority for Meyers Nave by \$400,000, an increase in contract authority for Remy Moose by \$50,000, and no change in contract authority for Kaplan Kirsch.

## **4. Alternatives Considered**

- ***Take No Action***

Taking no action would impact the City Attorney's ability to provide LAWA with critical and timely environmental and federal regulatory legal analysis and could delay legal analysis regarding time sensitive Environmental and federal regulatory issues.

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

The City Attorney Airport Division does not have sufficient expertise and personnel to address the vast array of highly technically, legally complex fast moving, and multifaceted CEQA, NEPA, Land Use and Planning issues and federal regulatory issues. The need for legal expertise for these tasks is highly specialized, project-based, with spikes in required assistance. Employment of additional in house attorneys would not provide the up to date, wide range of technical expertise or critical mass when needed. To provide the necessary support to LAWA for these services, we are recommending the continued assistance of outside counsel with specialized legal skills pertinent to the wide array of legal issues required.

## **APPROPRIATIONS:**

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

## **STANDARD PROVISIONS:**

1. 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.
2. The City Attorney has approved this item.
3. 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.
4. Meyers Nave, Remy Moose and Kaplan Kirsch are required by contract to comply with the provisions of the Living Wage Ordinance.

5. This item is not subject to the provisions of the Business Enterprise (BE) Programs.
6. Meyers Nave, Remy Moose and Kaplan Kirsch are required by contract to comply with the provisions of the Affirmative Action Program.
7. Meyers Nave has been assigned Business Tax Registration Certificate No. 0000536756-0001-1. Remy Moose has been assigned Business Tax Registration Certificate No. 0002797999-0001-1. Kaplan Kirsch has been assigned Business Tax Registration Certificate No. 0002939999-0001-9.
8. Meyers Nave, Remy Moose and Kaplan Kirsch are required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. Meyers Nave, Remy Moose and Kaplan Kirsch have approved insurance documents, in the terms and amounts required on file with the Los Angeles World Airports.
10. 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.
11. Meyers Nave, Remy Moose and Kaplan Kirsch have submitted the Contractor Responsibility Program Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Ordinance.
12. Meyers Nave, Remy Moose and Kaplan Kirsch 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 Contract Amendment.
13. Meyers Nave, Remy Moose and Kaplan Kirsch will comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.
14. Meyers Nave, Remy Moose and Kaplan Kirsch have submitted the Bidder Contributions CEC Form 55 and will comply with its provisions.
15. Meyers Nave, Remy Moose and Kaplan Kirsch have submitted the Bidder Certification CEC Form 50 and will comply with its provisions.
16. Meyers Nave will be required to comply with the provisions of the Iran Contracting Act. Remy Moose and Kaplan Kirsch are not subject to the provisions of the Iran Contracting Act.