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RECOMMENDATION APPROVED;
RESOLUTION 21-9850 ADOPTED; AND
AGREEMENT 21-3348-B APPROVED
BY THE BOARD OF HARBOR COMMISSIONERS

July 1, 2021


AMBER M. KLESGES
Board Secretary



DATE: JUNE 15, 2021

FROM: ENGINEERING

SUBJECT: RESOLUTION NO. 21-9850 SECOND AMENDMENT TO AGREEMENT NO. 15-3348 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND SASAKI ASSOCIATES, INC, FOR THE ENGINEERING, ARCHITECTURAL, AND LANDSCAPING DESIGN SERVICES FOR THE WILMINGTON WATERFRONT PROMENADE

SUMMARY:

Staff requests the Board of Harbor Commissioners (Board) adopt a Resolution approving the Second Amendment to Agreement No. 15-3348 (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and Sasaki Associates, Inc. (Consultant) of Watertown, Massachusetts, to provide planning, engineering, architectural design, landscape design, and bidding and design support during construction for the Wilmington Waterfront Promenade Project (Project). The original agreement was approved by the Board on September 17, 2015 for the amount of \$3,190,000.

The Second Amendment will allow the Harbor Department to complete design support services during construction with the same Engineer of Record, adds professional services to the agreement to include unforeseen engineering design work during construction, adds \$500,000 in compensation for a total not-to-exceed amount of \$3,690,000, and extends the Agreement by ten (10) additional months, for a total of seven (7) years and ten (10) months. The Harbor Department will continue to be financially responsible for expenses incurred under the Agreement.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find that in accordance with the Los Angeles City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees;

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same Engineer of Record, add \$500,000 to the compensation for a total not-to-exceed amount of \$3,690,000, and extend the Agreement by ten (10) additional months, for a total of seven (7) years and ten (10) months;

4. Direct the Board Secretary to transmit the Second Amendment to Agreement No. 15-3348 to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;
5. Authorize the Executive Director to execute and Board Secretary to attest to said Second Amendment for and on behalf of the Board; and
6. Adopt Resolution No. 21.7850.

DISCUSSION:

Background/Context - The City of Los Angeles Harbor Department continues its commitment to the community to revitalize the LA Waterfront. The Wilmington Waterfront Development Project (WWDP) Environmental Impact Report (EIR), certified on June 18, 2009, has set the framework for this development focusing on the Wilmington community.

On September 17, 2015, the Board approved the original three-year Agreement providing professional services to design a waterfront promenade, pedestrian plaza, parking courts, realignment of Water Street adjacent to the railroad tracks, and landscaping. At the meeting on August 23, 2018, the Board of Harbor Commissioners approved the First Amendment with Sasaki Associates, Inc. The First Amendment extended the Agreement term by four (4) years. No additional compensation was added in the First Amendment.

Additional time for the Agreement is required to ensure that the Harbor Department completes and maintains consistent design support services during construction with the same Engineer of Record for construction. The construction phasing required to realign Water Street, and to place and compact the large fill mound before the improvements can be constructed, extended the construction duration beyond the term of the Agreement and the First Amendment. Staff recommends the Harbor Department amend the current Agreement in order to provide continuity of engineering design and engineering support services during the construction period and maintaining a single responsible party as Engineer of Record for professional liability.

In Addition, this Second Amendment increases the professional liability insurance requirements to \$5,000,000, which covers work to be performed pursuant to this Agreement.

Progress To Date - Since the Board approved the Agreement, and subsequent First Amendment, substantial progress has been made. The Consultant has completed design, the project was bid and awarded for construction, and construction has started on the Wilmington

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Waterfront Promenade Project. Construction started on November 26, 2020, and is scheduled to be completed on March 16, 2023.

Second Amendment – The proposed Second Amendment will extend the Agreement by ten (10) additional months, for a total of seven (7) years and ten (10) months, to August 8, 2023. Additionally, the proposed Second Amendment will add \$500,000 to the total compensation for additional professional services, including unforeseen engineering design work during construction, for a total not-to-exceed amount of \$3,690,000.

Small Business Enterprise Program and Subconsultant Participation - Throughout the term of the Agreement, the Consultant's overall sub-consultant business enterprise proposal is 25% Small Business Enterprise (SBE) and Very Small Business Enterprise (VSBE) combined.

This Agreement is in conformance with both the City's Service Agreement Worker Retention and Living Wage Ordinances.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a Second Amendment to Agreement No. 15-3348 with Sasaki Associates, Inc. to complete design support services for the Wilmington Waterfront Promenade Project, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed Second Amendment will increase compensation authority by \$500,000 from \$3,190,000 currently to \$3,690,000 as amended. In addition, the proposed Second Amendment will also increase the term of the Agreement by 10 months from seven years currently to seven years and ten months as amended.

If approved, it is contemplated that funds under the Agreement will be expended as follows:

Fiscal Year (FY)	Amount
Spent to date from FY 15/16 to FY 20/21	\$2,999,966.00
FY 21/22	\$140,000.00
FY 22/23	\$300,000.00
FY 23/24	\$250,034.00
Total	\$3,690,000.00

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Funds for FY 21/22 in the amount of \$140,000.00 have been budgeted in Account No. 54220 (Architect/Engineer Design Support), Center No. 1040, Program No. 624. Funds for future fiscal years will be requested to be budgeted as part of the annual budget process, upon Board approval. Upon project completion, the Harbor Department will continue to be responsible for maintenance and operating costs associated with the Wilmington Waterfront Promenade.

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the Second Amendment as to form and legality.

TRANSMITTALS:

1. Second Amendment to Agreement No. 15-3348 21-3348-B
2. Agreement No. 15-3348
3. First Amendment to Agreement No. 15-3348

FIS Approval: MB (initials)
CA Approval: JS (initials)


DAVID M. WALSH, P.E.
Chief Harbor Engineer


ANTONIO V. GIOIELLO, P.E.
Deputy Executive Director, Development

APPROVED:

 For

EUGENE D. SEROKA
Executive Director

Author: H. Cisneros

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