



Los Angeles World Airports

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Item Number

REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

Suzanne Tracy

Suzanne Tracy (Nov 10, 2021 09:55 PST)

Approved by: Suzanne Tracy

D. Dazé

D Dazé (Nov 10, 2021 09:58 PST)

Reviewed by: Tim Dazé

Brian C. Ostler

Brian Ostler (Nov 10, 2021 10:05 PST)

City Attorney, Brian Ostler

Justin Erbacci

Justin Erbacci (Nov 10, 2021 10:13 PST)

Justin Erbacci, Chief Executive Officer

Meeting Date:

11/18/2021

CAO Review:

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Completed

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Pending

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N/A

Reviewed for	Date	Approval Status	By
Finance	11/2/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	JS
CEQA	11/1/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW
Procurement	11/3/2021	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Cond	BG
Guest Experience	11/2/2021	<input type="checkbox"/> Y <input type="checkbox"/> N	TB
Strategic Planning	11/2/2021	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA	KC

SUBJECT

Request to approve the Third Amendment to Contract No. DA-5078 with Remy Moose Manley LLP to assist the City Attorney with legal services related to the Los Angeles World Airports' California Environmental Quality Act issues and to add funding in the amount of \$100,000, for a total not-to-exceed amount of \$680,000.

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 Third Amendment to Contract No. DA-5078 with Remy Moose Manley LLP to assist the City Attorney with legal services related to Los Angeles World Airports' California Environmental Quality Act issues and to add funding in the amount of \$100,000, for a total not-to- exceed amount of \$680,000.

5. AUTHORIZE the Chief Executive Officer to execute the Third Amendment to Contract No. DA-5078 with Remy Moose Manley LLP after approval as to form by the City Attorney.

DISCUSSION

1. Purpose

The City Attorney's Office Airport Division requests approval to amend the contract of outside environmental counsel Remy Moose Manley LLP to complete the necessary legal analysis and support for CEQA and associated legal issues for the Airfield and Terminal Modernization Project (ATMP), as well as the anticipated ongoing advice that will be needed on other high profile, controversial, environmentally-complex Los Angeles World Airports (LAWA) development projects through the end of the current contract term.

2. Prior Related Actions

- **May 5, 2016 – Resolution No. 25958 (DA-5078)**
The Board of Airport Commissioners (Board) 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 Board authorized the First Amendment with Remy Moose Manley LLP to extend the term two years to April 30, 2021, and add \$230,000 for a new total not to exceed \$530,000.
- **March 18, 2021 – Resolution No. 27217 (DA-5078B)**
The Board authorized the Second Amendment with Remy Moose Manley LLP to extend the term two years to April 30, 2023 and add \$50,000 for a new total not to exceed \$580,000.

3. Current Action

The proposed amendment seeks funding to provide for additional advice on issues related to CEQA through April 2022, but does not include a budget for ATMP post-approval litigation defense. Should the need arise, the Airport Division will obtain a cost estimate from the law firm and notify the Board accordingly.

Procurement Process

In 2016, the City Attorney's Office conducted a competitive process to obtain legal advice for environmental issues. Following the selection vetting process, the Los Angeles City Attorney's Office's Outside Counsel Committee approved Remy Moose Manley LLP for the initial three-year contract, as well as the subsequent contract amendments.

Fiscal Impact

Approval of this item will result in an increase in contract authority for Remy Moose Manley LLP of \$100,000, for a new total not-to-exceed amount of \$680,000.

4. Alternatives Considered

- **Take No Action**

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

- **Perform the Work In-House**

The City Attorney's Airport Division does not have sufficient expertise and personnel to address the vast array of highly technically, legally complex, fast moving, and multifaceted CEQA issues. The need for legal expertise for these tasks is highly specialized and 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.

APPROPRIATIONS

Funds for this contract are available in the Fiscal Year 2021-22 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. Remy Moose Manley LLP is 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) Program.
6. Remy Moose Manley LLP is required by contract to comply with the provisions of the Affirmative Action Program.
7. Remy Moose Manley LLP has been assigned Business Tax Registration Certificate No. 0002797999-0001-1.
8. Remy Moose Manley LLP is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. Remy Moose Manley LLP has 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. Remy Moose Manley LLP has submitted the Contractor Responsibility Program Pledge of Compliance and comply with the provisions of the Contractor Responsibility Ordinance prior to execution of Contract.
12. Remy Moose Manley LLP has been determined by the Office of Contract Compliance to be in full compliance with the provisions of the Equal Benefits Ordinance.
13. Remy Moose Manley LLP will be required to comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.
14. Remy Moose Manley LLP has submitted the Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55 and comply with its provisions prior to execution of Contract.
15. This action is not subject to the provisions of the Iran Contracting Act.