



Los Angeles World Airports

Item Number
2

REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

D. Dazé

D Dazé (Dec 10, 2021 09:02 PST)

Approved by: Tim Dazé

D. Dazé

D Dazé (Dec 10, 2021 09:02 PST)

Reviewed by: Tim Dazé

Brian C. Ostler

Brian Ostler (Dec 10, 2021 09:36 PST)

Brian C. Ostler, City Attorney

Justin Erbacci

Justin Erbacci (Dec 10, 2021 09:37 PST)

Justin Erbacci, Chief Executive Officer

Meeting Date:

12/16/2021

CAO Review:

☐

Completed

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Pending

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N/A

Reviewed for	Date	Approval Status	By
Finance	11/29/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	JS
CEQA	11/29/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW
Procurement	11/30/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond	QM
Guest Experience	11/30/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	TB
Strategic Planning	11/30/2021	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA	KC

SUBJECT

Request to approve the Fifth Amendment to Contract No. DA-5250 with the law firm of Demetriou, Del Guercio, Springer & Francis, LLP to assist the Los Angeles World Airports and the City Attorney with real estate-related legal services. The Fifth Amendment will increase the contract authority by \$290,000 to a not-to-exceed amount of \$1,465,000.

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 Fifth Amendment to Contract No. DA-5250 with the law firm of Demetriou, Del Guercio, Springer & Francis, LLP to assist the Los Angeles World Airports and the City Attorney with real estate-related legal services. The Fifth Amendment will increase the contract authority by \$290,000 to a not-to-exceed amount of \$1,465,000.

5. AUTHORIZE the Chief Executive Officer to execute the above-referenced amendment upon approval as to form by the City Attorney and approval by the Los Angeles City Council.

DISCUSSION

1. Purpose

To approve the Fifth Amendment to Contract No. DA-5250 with the law firm of Demetriou, Del Guercio, Springer & Francis, LLP (Firm) to assist the Los Angeles World Airports (LAWA) and the City Attorney with real estate-related legal services. The Fifth Amendment will increase the contract authority by \$290,000 for a not-to-exceed amount of \$1,465,000.

2. Prior Related Actions

- **November 2, 2017 – Resolution No. 26367 (DA-5250)**
The Board of Airport Commissioners (Board) authorized the Chief Executive Officer and the City Attorney's Office to enter into a three-year legal services agreement with the Firm. The initial contract amount was for \$500,000. The contract called for work to be paid on an hourly basis.
- **December 20, 2018 – Resolution No. 26666 (DA-5250A)**
The Board authorized the Chief Executive Officer and the City Attorney's Office to approve the First Amendment with the Firm. The First Amendment increased the funding by \$100,000.
- **October 10, 2019 – Resolution No. 26857 (DA-5250B)**
The Board authorized the Chief Executive Officer and the City Attorney's Office to approve the Second Amendment with the Firm. The Second Amendment increased the funding by \$300,000.
- **October 15, 2020 – Resolution No. 27122 (DA-5250C)**
The Board authorized the Chief Executive Officer and the City Attorney's Office to approve the Third Amendment with the Firm. The Third Amendment extended the contract by one year to October 22, 2021.
- **February 18, 2021 – Resolution No. 27201 (DA-5250D)**
The Board authorized the Chief Executive Officer and the City Attorney's Office to approve the Fourth Amendment with the Firm. The Fourth Amendment increased the funding by \$275,000 and extended the contract six months to April 22, 2022.

3. Current Action

Throughout the term of the contract, the Firm has been representing LAWA in numerous matters, including the Flying Food Group litigation, assistance with the development of the Consolidated Rent-A-Car facility contract, Manchester Square-related matters, leases for non-LAWA tenants at the LAWA-owned Skyview Office complex, the current litigation brought by the National Aeronautics and Space Administration regarding the lease for Hangar 703 at Palmdale Regional Airport, continued assistance with the Northside development project, additional ongoing leasing related matters at LAX and Van Nuys Airport and ongoing advice on real property matters.

Procurement Process

The Firm was retained in November of 2017 for real property law and litigation matters following a Request for Proposal (RFP) issued by the City Attorney's Office. After a review and interview process conducted by the City Attorney's Office, the Outside Counsel Oversight Division approved the contract with the firm of Demetriou, Del Guercio, Springer & Francis, LLP.

Fiscal Impact

The contract term expires on April 22, 2022; however, a new RFP will be released prior to that date. If the proposed amendment is approved, the contract authority will be increased to a not-to-exceed amount of \$1,465,000.

4. Alternatives Considered

- ***Take No Action***

There is insufficient in-house City Attorney staff with this specialized expertise. Also, hiring additional in-house City Attorney staff for this work is impractical as it would not meet the immediate need for counsel with specialized expertise and experience on this matter. The City Attorney's Office will continue to provide legal services as well as closely manage the Firm's services.

APPROPRIATIONS

Funds for this amendment are available in the Fiscal Year 2021-22 Los Angeles World Airports Operating Budget in Cost Center 1110004 – Legal Services Division, Commitment Item 520 - Contractual Services. Funds for subsequent years 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. Demetriou, Del Guercio, Springer & Francis, LLP is required to comply with the provisions of City Charter Section 609(e) and related ordinances.
5. Demetriou, Del Guercio, Springer & Francis, LLP is required by contract to comply with the provisions of the Living Wage Ordinance.
6. This item is not subject to the provisions of the SBE/LBE/LSBE/DVBE Programs.

7. Demetriou, Del Guercio, Springer & Francis, LLP is required by contract to comply with the provisions of the Affirmative Action Program.
8. Demetriou, Del Guercio, Springer & Francis, LLP has been assigned Business Tax Registration Certificate No. 0000030203-0001-8.
9. Demetriou, Del Guercio, Springer & Francis, LLP is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
10. Demetriou, Del Guercio, Springer & Francis, LLP has approved insurance documents, in the terms and amounts required, on file with the Los Angeles World Airports prior to execution of the Fifth Amendment.
11. 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.
12. Demetriou, Del Guercio, Springer & Francis, LLP has submitted the Contractor Responsibility Program Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Ordinance.
13. Demetriou, Del Guercio, Springer & Francis, LLP has been determined by the Public Works, Office of Contract Compliance, to be in full compliance with the provisions of the Equal Benefits Ordinance.
14. Demetriou, Del Guercio, Springer & Francis, LLP will be required to comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.
15. Demetriou, Del Guercio, Spring & Francis, LLP has submitted the Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55 and will comply with their provisions.
16. This action is not subject to the provisions of the Iran Contracting Act of 2010.