



# Report to the BOARD OF AIRPORT COMMISSIONERS

Approver: <u>Jacob Adams III</u> Jacob Adams (Jul 29, 2022 09:48 PDT) Jake Adams, Deputy Executive Director Landside Access Modernization Program	Meeting Date																								
	8/4/2022																								
Reviewer: <u>Brian C. Ostler</u> Brian C. Ostler, City Attorney <i>JRL</i> <u>Justin Erbacci</u> Justin Erbacci (Jul 29, 2022 11:19 PDT) Justin Erbacci, Chief Executive Officer	Needs Council Approval: <input checked="" type="checkbox"/> Y																								
	<table border="1"> <thead> <tr> <th>Reviewed for/by</th> <th>Date</th> <th>Approval Status</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>Finance</td> <td>7/22/2022</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> NA</td> <td>JS</td> </tr> <tr> <td>CEQA</td> <td>7/15/2022</td> <td><input checked="" type="checkbox"/> Y</td> <td>VW</td> </tr> <tr> <td>Procurement</td> <td>7/19/2022</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> Cond</td> <td>BG</td> </tr> <tr> <td>Guest Experience</td> <td>7/20/2022</td> <td><input checked="" type="checkbox"/> Y</td> <td>TB</td> </tr> <tr> <td>Strategic Planning</td> <td>7/19/2022</td> <td><input checked="" type="checkbox"/> Y</td> <td>BNZ</td> </tr> </tbody> </table>	Reviewed for/by	Date	Approval Status	By	Finance	7/22/2022	<input checked="" type="checkbox"/> Y <input type="checkbox"/> NA	JS	CEQA	7/15/2022	<input checked="" type="checkbox"/> Y	VW	Procurement	7/19/2022	<input checked="" type="checkbox"/> Y <input type="checkbox"/> Cond	BG	Guest Experience	7/20/2022	<input checked="" type="checkbox"/> Y	TB	Strategic Planning	7/19/2022	<input checked="" type="checkbox"/> Y	BNZ
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## SUBJECT

Request to approve a Second Amendment to Contract DA-5318 with RS&H California, Inc. to increase the contract value by \$450,000, for a total not-to-exceed amount of \$4,700,000, for professional engineering and construction administration services in support of the Landside Access Modernization Program, Roadways, Utilities, and Enabling Projects at Los Angeles International Airport.

## RECOMMENDATIONS

Management RECOMMENDS that the Board of Airport Commissioners:

- ADOPT the Staff Report.
- DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines.
- APPROVE a Second Amendment to Contract DA-5318 with RS&H California, Inc. to increase the contract value by \$450,000, for a total not-to-exceed amount of \$4,700,000, for professional engineering and construction administration services in support of the Landside Access Modernization Program, Roadways, Utilities, and Enabling Projects at Los Angeles International Airport.
- APPROPRIATE and allocate funds in the not-to-exceed amount of \$450,000 from the LAX Revenue Fund to WBS. Element 1.20.09-700 (Roadways, Utilities, and Enabling Projects).

5. AUTHORIZE the Chief Executive Officer, or designee, to execute the Second Amendment to Contract DA-5318 with RS&H California, Inc., upon its approval as to form by the City Attorney and approval by the Los Angeles City Council.

## DISCUSSION

### 1. Purpose

Staff requests approval of an amendment in the amount of \$450,000 to Contract DA-5318 with RS&H California, Inc. (RS&H) to provide continuing professional engineering and construction administration services in support of the Landside Access Modernization Program (LAMP) Roadways, Utilities, and Enabling (RUE) Projects at Los Angeles International Airport (LAX).

### 2. Prior Related Actions/History of Board Actions

- **September 6, 2018 – Resolution No. 26594 (DA-5318)**

The Board of Airport Commissioners (Board) awarded individual three-year Engineering Design Services contracts to AECOM Technical Services, Inc.; HNTB Corporation Inc.; IDS Group, Inc.; RS&H; and Syska Hennessy Group in the combined amount of \$14,750,000.

- **October 7, 2021 – Resolution No. 27350 (DA-5318)**

The Board approved a First Amendment to Contract DA-5318 with RS&H to extend the term by three years to cover engineering services related to the LAMP RUE Projects at LAX.

### 3. Background

On August 28, 2019, RS&H was selected by Los Angeles World Airports (LAWA) to provide professional engineering services for the LAMP RUE Roadway Guide Signage Program in support of the LAMP Projects: Intermodal Transportation Facility West, Automated People Mover, and the Consolidated Rental Car Facility. RS&H has continued work, since being selected as the Engineer of Record, and delivered 100 percent permitted Roadway Guide and Signage drawings to LAWA, and are ready to advance into construction.

### 4. Current Action/Rationale

The signage work packages within the RUE Project will advance into construction within the coming months. As a result of additional requirements by the Authorities Having Jurisdiction to obtain approval of construction permits, RS&H needed to expend additional effort beyond what was planned originally.

The additional funds proposed in this Second Amendment with RS&H will allow staff to retain the Designer of Record for construction administration services through completion of construction and final acceptance of the signage work packages. Therefore, no additional allocations will be required for this effort. With the assistance of the Designer of Record, staff can appropriately respond to Requests for Information, submittals, and other questions from bidders, contractors, permitting agencies, etc.

### ***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: Upgrade every element of the quest experience.* The Roadway Guide and Signage Program, that this design supports, is intended to provide the traveling public with clear and concise directions, in and around LAX, to the various new facilities being constructed under the LAMP Program.

### **5. Fiscal Impact**

The scope of this contract is designed to support the RUE Project, which was awarded in a separate Board action.

The RUE project is programmed in Los Angeles World Airports' 2018 Capital Improvement Plan (CIP), with a total value of \$690,480,334, which includes project hard costs, soft costs, and contingency. As the recommended action would utilize available project contingency, approval of this item will result in no net increase to the CIP.

Costs incurred under this project will be capitalized, and, when the project is put in service, those costs will be recovered through landing fees, terminal rates and charges, and non-aeronautical revenues.

### **6. Alternatives Considered**

- ***Take No Action***

Without the approval of this Second Amendment, the RUE contractor will complete the construction activities without the construction administration and professional engineering services from the actual Engineer of Record. These projects and project activities are critical for enabling the planned development of all LAMP projects. Delaying implementation of these projects puts the LAMP schedule and budget at risk.

## **APPROPRIATIONS**

Staff requests appropriations in the not-to-exceed amount of \$450,000 to be allocated from the LAX Revenue Fund to WBS Element 1.20.09-700 (Roadways, Utilities, and Enabling Projects).

## **STANDARD PROVISIONS**

1. Any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of the California Environmental Quality Act (CEQA) is exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. The Landside Access Modernization Program Environmental Impact Report (EIR) was certified by the Board of Airport Commissioners for this project on March 2, 2017 (Resolution 26185).
2. The proposed document(s) is/are subject to approval as to form by the City Attorney.
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. RS&H California, Inc. is required by contract to comply with the provisions of the Living Wage Ordinance.
5. Procurement Services has reviewed this action (File No. 8326) and established mandatory goals of 20% SBE, 5% LBE, 3% LSBE, and 3% DVBE. RS&H California, Inc. pledged 20% SBE, 5% LBE, 3% LSBE, and 3% DVBE. RS&H California, Inc. has achieved 49.92% SBE, 25.11% LBE, 25.11% LSBE, and 2.13% DVBE.
6. RS&H California, Inc. is required by contract to comply with the provisions of the Affirmative Action Program.
7. RS&H California, Inc. has been assigned Business Tax Registration Certificate number 0002525836-0001-8.
8. RS&H California, Inc. is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. RS&H California, Inc. has approved Insurance documents, in the terms and amounts required, on file with the Los Angeles World Airports.
10. Pursuant to Charter Section 1022, staff determined the work specified on the proposed contract can be performed more feasibly or economically by an Independent Contractor than by City employees.
11. RS&H California, Inc. has submitted the Contractor Responsibility Program Questionnaire and Pledge of Compliance and will comply with the provisions.
12. RS&H California, Inc. has been determined by Public Works, Office of Contract Compliance, to be in compliance with the provisions of the Equal Benefits Ordinance.
13. RS&H California, Inc. is required by contract to comply with the provisions of the First Source Hiring Program for all non-trade Airport jobs.
14. RS&H California, Inc. has submitted the Bidder Contributions CEC Form 55 and will comply with its provisions.
15. RS&H California, Inc. has submitted Municipal Lobbying Ordinance CEC Form 50 and will comply with its provisions.
16. RS&H California, Inc. has submitted the Iran Contracting Ordinance of 2010 and will comply with its provisions.

**SECOND AMENDMENT TO CONTRACT NO. DA-5318  
BETWEEN THE CITY OF LOS ANGELES AND RS&H CALIFORNIA, INC. FOR  
ENGINEERING DESIGN SERVICES AT LOS ANGELES INTERNATIONAL AIRPORT  
AND VAN NUYS AIRPORT**

THIS **SECOND AMENDMENT TO CONTRACT NO. DA-5318** ("Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **CITY OF LOS ANGELES** ("City"), a municipal corporation, acting by order of and through its Board of Airport Commissioners ("Board") of the Department of Airports (also known as Los Angeles World Airports or "LAWA") and **RS&H CALIFORNIA, INC.** ("Consultant"). The City and Consultant are collectively referred to herein as the "Parties".

**RECITALS**

WHEREAS, City and Consultant entered into Los Angeles World Airports Contract Number DA-5318 (the "Contract") to provide professional engineering services for the Landside Access Modernization Program ("LAMP") Roadways, Utilities, and Enabling ("RUE") Projects at Los Angeles International Airport ("LAX") on September 6, 2018; and

WHEREAS, on October 7, 2021, the Contract was amended to extend the term for an additional three (3) years; and

WHEREAS, the Parties desire to further amend the Contract to increase the total not-to-exceed amount from Four Million Two Hundred Fifty Thousand and 00/100 Dollars (\$4,250,000) to Four Million Seven Hundred Thousand and 00/100 Dollars (\$4,700,000.00); and

NOW, THEREFORE, in consideration of the premises and of the terms and covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto, do mutually agree that the Contract is **HEREBY AMENDED AS FOLLOWS:**

**Amendment Section 1.** Section 7.2 of the Contract shall be amended and restated in its entirety as follows:

For all Services rendered under this Contract, all costs, direct or indirect, and all expenses incurred by Consultant pursuant to this Contract, the total compensation to be paid to the Consultant for all Services rendered under this contract shall not exceed the total sum of Four Million Seven Hundred Thousand and 00/100 Dollars (\$4,700,000.00).

**Amendment Section 2.** Except as specifically provided herein, this Amendment shall not in any manner alter, change, modify, or affect any of the rights, privileges, duties, or obligations of either of the parties hereto, under, or by reason of said Contract, as amended.

**Execution.** This Amendment and any other document necessary for the consummation of the transaction contemplated by this Amendment may be executed in counterparts, including counterparts that are manually executed and counterparts that are in the form of electronic records and are electronically executed. An electronic signature means a signature that is executed by symbol attached to or logically associate with a record and adopted by a party with the intent to sign such record, including facsimile or e-mail signatures. All executed counterparts shall constitute one Amendment, and each counterpart shall be deemed an original. The Parties hereby acknowledge and agree that electronic records and electronic signatures, as well as facsimile signatures, may be used in connection with the execution of this Amendment and electronic signatures, facsimile signatures or signatures transmitted by electronic mail in so-called PDF format shall be legal and binding and shall have the same full force and effect as if a paper original of this Amendment had been delivered that had been signed using a handwritten signature. All parties to this Amendment (i) agree that an electronic signature, whether digital or encrypted, of a party to this Amendment is intended to authenticate this writing and to have the same force and effect as a manual signature; (ii) intended to be bound by the signatures (whether original, faxed, or electronic) on any document sent or delivered by facsimile or electronic mail or other electronic means; (iii) are aware that the other party(ies) will rely on such signatures; and, (iv) hereby waive any defenses to the enforcement of the terms of this based Amendment on the foregoing forms of signature. If this Amendment has been executed by electronic signature, all parties executing this document are expressly consenting, under the United States Federal Electronic Signatures in Global and National Commerce Act of 2000 ("E-SIGN") and the California Uniform Electronic Transactions Act ("UETA") (California Civil Code §1633.1 et seq.), that a signature by fax, e-mail, or other electronic

means shall constitute an Electronic Signature to an Electronic Record under both E-SIGN and UETA with respect to this specific transaction.

IN WITNESS WHEREOF, City has caused this Amendment to be executed, by the Chief Executive Officer, and Consultant has caused the same to be executed by its duly authorized officers and its corporate seal to be hereunto affixed, all as of the day and year first hereinabove written.

APPROVED AS TO FORM:  
Michael N. Feuer, City Attorney

**CITY OF LOS ANGELES**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Justin Erbacci  
Chief Executive Officer  
Los Angeles World Airports

By: \_\_\_\_\_  
Deputy/Assistant City Attorney

By: \_\_\_\_\_

Tatiana Starostina  
Chief Financial Officer  
Los Angeles World Airports

**ATTEST:**

**RS&H CALIFORNIA, INC.**

By: \_\_\_\_\_  
Signature (Secretary)

By: Joseph P. Jackson  
Signature

\_\_\_\_\_  
Print Name

**Joe Jackson**  
\_\_\_\_\_  
Print Name

**President**  
\_\_\_\_\_  
Print Title

[SEAL]