



Item Number
4

Report to the BOARD OF AIRPORT COMMISSIONERS

Approver:


Jacob Adams (Jul 6, 2023 17:27 PDT)

Jake Adams, Deputy Executive Director
Landside Access Modernization Program

Reviewer:



Brian C. Ostler, City Attorney


Justin Erbacci (Jul 6, 2023 18:04 PDT)

Justin Erbacci, Chief Executive Officer

Meeting Date

7/13/2023

Needs Council Approval: ☒ Y

Reviewed for/by	Date	Approval Status	By
Finance	6/28/2023	<input checked="" type="checkbox"/> Y <input type="checkbox"/> NA	JS
CEQA	6/28/2023	<input checked="" type="checkbox"/> Y	BMS
Procurement	6/29/2023	<input type="checkbox"/> Y <input checked="" type="checkbox"/> Cond	BG
Guest Experience	6/29/2023	<input checked="" type="checkbox"/> Y	TB
Strategic Planning	6/30/2023	<input checked="" type="checkbox"/> Y	BNZ

SUBJECT

Request to approve the Second Amendment to Contract DA-5461 with T.Y. Lin International, to extend the term of the contract for one additional year, for a total of four years, for professional engineering services related to the Landside Access Modernization Program, Roadways, Utilities, and Enabling Project at Los Angeles International Airport.

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 and Article II, Section 2.i of the Los Angeles City CEQA Guidelines.
3. APPROVE the Second Amendment to Contract DA-5461 with T.Y. Lin International to extend the contract by one year, with no additional funding, to provide professional engineering services for the Landside Access Modernization Program, Roadways, Utilities, and Enabling Project.
4. AUTHORIZE the Chief Executive Officer, or designee, to execute the Second Amendment to Contract DA-5461 with T.Y. Lin International, upon approval as to form by the City Attorney, and the Los Angeles City Council.

DISCUSSION

1. Purpose

Staff request approval of a one-year extension to Contract DA-5461 with T.Y. Lin International to continue professional engineering services, including working as Engineer of Record for several projects included in the Landside Access Modernization Program (LAMP) Roadways, Utilities, and Enabling (RUE) Project that are currently under construction. No additional funds are required for this time extension.

2. Prior Related Actions/History of Board Actions

- **September 3, 2020 – Resolution No. 27098 (DA-5461)**
The Board of Airport Commissioners (Board) awarded a three-year sole source contract to T.Y. Lin International, covering professional engineering and construction administration services for the LAMP RUE Project at Los Angeles International Airport (LAX), for cost not to exceed \$500,000, and appropriated said amount for the project.
- **December 16, 2021 – Resolution No. 27393 (DA-5461)**
The Board approved the First Amendment to Contract DA-5461 with T.Y. Lin International to increase the contract authority by \$500,000, for new total not to exceed \$1,000,000, covering professional engineering and construction administration services for the LAMP RUE Project at LAX, and appropriated and allocated \$500,000, for said services.

3. Background

The overall LAMP RUE Project provides a variety of improvements necessary to support the Automated People Mover, Consolidated Rental Car Facility, and LAX Economy Parking facility. The project also addresses several Capital Improvement Program utility projects that either fall within the LAMP footprint and/or provide a utility service to one of the LAMP projects.

The RUE Project consists of multiple individual projects that were advanced by Los Angeles World Airports (LAWA) to a minimum of 30 percent design completion and, in some cases, 100 percent design completion. Several of these projects were designed by T.Y. Lin International, and Contract DA-5461 was awarded in September 2020 for T.Y. Lin International to provide professional engineering and construction administration services as the Engineer of Record for those projects.

A First Amendment to Contract DA-5461 was approved by the Board in December 2021, to provide additional funding for engineering services to address increased requirements imposed by various authorities having jurisdiction.

The additional funds proposed in the First Amendment will allow T. Y. Lin International to continue the required professional engineering and construction administration services as the Engineer of Record.

4. Current Action/Rationale

At this time, all permits have been obtained and construction has commenced on the RUE projects designed by T.Y. Lin International. However, due to the unexpected extensive timeframe required to obtain permit approvals from the various authorities having jurisdiction, construction completion has been extended to mid-2024, which is beyond T.Y. Lin International's September 2023 contract expiration date.

Staff is therefore recommending approval of a Second Amendment with T.Y. Lin International to extend the contract term so staff can retain the Engineer of Record and the associated professional engineering and construction administration services through completion of construction. These services include, but are not limited to, design, permitting modifications, review of contractor design inquiries and submittals, addressing design and construction changes, and coordination of design and construction changes with various City of Los Angeles departments and other governmental agencies.

Staff request that the Board approve the Second Amendment to Contract DA-5461 with T.Y. Lin International to extend the contract term for one year (for a total contract term of four years) with no additional funds, for engineering services.

5. Fiscal Impact

The LAMP RUE Project is programmed in LAWA's 2018 Capital Improvement Plan (CIP) with a direct budget of \$690,480,355, including Hard Costs, Owner-Carried Costs, and Contingency. As this request does not require any additional budget, approval of this item will result in no net increase to the CIP.

This is a request for time extension only, and there is no fiscal impact associated with this item. The remaining contract authority of \$188,682, is sufficient to provide the necessary services for the additional term requested.

6. Alternatives Considered

- ***Take No Action***

If no action is taken, LAWA will lose access to professional engineering and construction administrative services from the Engineer of Record for several projects currently under construction. This will delay construction of those improvements and potentially prevent LAWA from obtaining the permits and approvals necessary to open the facilities.

APPROPRIATIONS

No appropriation of funds is required for this action.

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. In addition, 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 CEQA is

exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. The environmental impacts of the Landside Access Modernization Project (LAMP), EIR were certified by the Board of Airport Commissioners on March 2, 2017 (Resolution No. 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. T.Y. Lin International is required by contract to comply with the provisions of the Living Wage/Worker Retention Ordinances.
5. This action is not subject to the Business Enterprise (BE) programs.
6. T.Y. Lin International is required by contract to comply with the provisions of the Affirmative Action Program.
7. T.Y. Lin International has been assigned the Business Tax Registration Certificate number 0000531151-0001-3.
8. T.Y. Lin International is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. T.Y. Lin International has approved insurance documents, in the terms and amounts required, on file with 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. T.Y. Lin International has submitted the Contractor Responsibility Program Questionnaire and Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Program.
12. T.Y. Lin International has been determined by Public Works, Office of Contract Compliance to be in full compliance with the provisions of the Equal Benefits Ordinance.
13. This action is not subject to the provisions of the First Source Hiring Program.
14. T.Y. Lin International has submitted the Bidder Contributions CEC Form 55 and will comply with its provisions.
15. T.Y. Lin International has submitted the MLO Bidder Contributions CEC Form 50 and will comply with its provisions.
16. This action is not subject to the provisions of the Iran Contracting Act of 2010.

**SECOND AMENDMENT TO CONTRACT NUMBER DA-5461
BETWEEN THE CITY OF LOS ANGELES AND T.Y. LIN INTERNATIONAL
FOR DESIGN SERVICES FOR ROADWAYS, UTILITIES AND ENABLING PROJECT
AT LOS ANGELES INTERNATIONAL AIRPORT**

THIS **SECOND AMENDMENT TO CONTRACT NUMBER DA-5461** ("Amendment") is made and entered into as of this ____ day of July, 2023, 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 **T.Y. LIN INTERNATIONAL**, a California Corporation ("Consultant"). The City and Consultant are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, City and Contractor entered into Los Angeles World Airports Contract Number DA-5461 (the "Contract") for design services as Engineer of Record for the Landside Access Modernization Program Roadways, Utilities & Enabling Project at Los Angeles International Airport on October 1, 2020; and

WHEREAS, the Contract was amended on December 16, 2021 to increase the total not-to-exceed amount from Five Hundred Thousand and 00/100 Dollars (\$500,000) to One Million and 00/100 Dollars (\$1,000,000), subject to the issuance of Task Orders that provide a detailed description of either the services or tasks to be performed and the personnel to be provided, the time frame for the work to be performed, the not to exceed amount to be charged, and any estimated expenses; and

WHEREAS, the City wishes to increase the term of the Contract from three (3) years to four (4) years, which will require the approval of both the Board and the Los Angeles City Council; and

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

AMENDMENT

Amendment Section 1. Section 2.0 of the Contract shall be amended and restated in its entirety to read as follows:

The term of this Contract shall be for a period of four (4) years commencing upon Consultant's receipt from LAWA of a Notice-to-Proceed subject, however, to earlier termination as hereinafter specified in Section 25.0 Abandonment of Program and Cancellation of Contract or Suspension of Services. LAWA may terminate this Contract without cause and without liability for damages, upon giving Consultant a thirty (30) day advance written notice or as otherwise provided herein.

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 Amendment based 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 of LAWA, and Contractor 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:
Hydee Feldstein Soto, City Attorney

Date: _____

By: _____
Deputy City Attorney

CITY OF LOS ANGELES

By: _____
Chief Executive Officer
Los Angeles World Airports

By: _____
Chief Financial Officer
Los Angeles World Airports

ATTEST:

T.Y. LIN INTERNATIONAL, a California Company

DocuSigned by:
By: William K. Harnage
024822581CCB47E...
Secretary (Signature)

William K. Harnage

Print Name

By: Jeffrey Brown
Signature

Jeffrey Brown

Print Name

Vice - President/Business Development
Manager - Americas

Print Title

