

APPROVED

OCT 1 2008

BOARD OF RECREATION
and PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 08-271

DATE October 3, 2008

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO MARINE AQUARIUM – PROFESSIONAL SERVICES AGREEMENT WITH ROYAL POLARIS SPORTFISHING, INC., TO RETAIN THE ROYAL POLARIS FISHING VESSEL FOR A WHALE-WATCHING AND ECOLOGICAL TOUR EXCURSION TO BAJA CALIFORNIA, MEXICO

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	<u> <i>SH</i> </u>	K. Regan	_____
*V. Israel	_____	M. Shull	_____

Greg Adams
General Manager

Approved *05 amended*

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed Professional Services Agreement with Royal Polaris Sportfishing, Inc., substantially in the form on file in the Board Office, commencing on December 10, 2008, and ending on March 6, 2009, to charter the Royal Polaris vessel for Cabrillo Marine Aquarium's 35th annual whale-watching and ecological tour excursion to Baja California, Mexico, subject to the approval of the Mayor and of the City Attorney as to form;
2. Authorize the Chief Accounting Employee to deposit collected funds in Fund 301, Department 88, Account 035M Museum Programs and to expend funds, not to exceed the amount of \$59,940, for chartering the Royal Polaris vessel from February 26, 2009, through March 6, 2009;
3. Find, in accordance with Charter Section 1022, that the Department does not have available in its employ, personnel with the expertise to undertake these specialized professional tasks and that it is more feasible to secure the services by contract;
4. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that this Agreement is for the performance of professional, expert,

REPORT OF GENERAL MANAGER

PG. 2

NO. 08-271

technical or other special services of a temporary and occasional character for which competitive bidding is neither practicable nor advantageous, as price is not the sole factor and CONTRACTOR possesses special qualifications and expertise and a shipping vessel of appropriate passenger capacity not possessed by any other potential contractor for these services;

5. Direct the Board Secretary to transmit forthwith the proposed Professional Service Agreement, concurrently, to the Mayor's Office in accordance with Executive Directive No. 3, and the City Attorney for approval as to form; and,
6. Authorize the Board President and Secretary to expeditiously execute the Agreement, upon receipt of the necessary approvals.

SUMMARY:

The Department of Recreation and Parks Cabrillo Marine Aquarium is a non-profit public aquarium that engages all visitors in education, recreation, and research of the marine life of Southern California and has sponsored the annual whale-watching and ecological tour excursion, known as the "Meet the Friendly Whales of Baja" trip for the past 34 years. The Cabrillo Marine Aquarium Baja trip attracts passengers from across the country and furthers its international reputation as one of the finest teaching aquariums in the United States. The goal in sponsoring the trip is to further Cabrillo Marine Aquarium's mission of promoting knowledge, appreciation, and conservation of the marine life of Southern California. Staff recommends continuing the sponsorship of this year's trip which is scheduled for February 26, 2009, through March 6, 2009.

In accordance with Los Angeles Administrative Code Section 10.15 (a)(2), competitive bidding for this agreement is neither practicable nor advantageous to the Department. Staff had contacted other vendors that could provide similar services and had the necessary permits from the Mexican government to allow access to San Ignacio Lagoon; however, the vessels were smaller and had a limited passenger load that would have prevented the Cabrillo Marine Aquarium from conducting an adequate program. The Royal Polaris is the only sports fishing boat of adequate size and quality to comfortably accommodate the 39 passengers for the excursion and that had the necessary permits issued by the Mexican government to allow access to San Ignacio Lagoon.

The excursion starts from the Cabrillo Marine Aquarium. For a fee of \$2,375 per person, passengers will be transported to San Diego to board the Royal Polaris vessel and begin their nine-day whale watching and ecological tour. Passengers will explore the pristine coastal environments, diverse geological formations, and native vegetation of Baja. During the course of the trip, passengers may catch a glimpse of elephant seals, sea lions, dolphins, marine birds, and whales within camera range on board small motorized boats (skiffs) in San Ignacio Lagoon.

REPORT OF GENERAL MANAGER

PG. 3

NO. 08-271

The 39 passengers include three Cabrillo Marine Aquarium staff and three volunteers who possess expertise in the fields of geology, botany, ornithology, and marine biology. The Team Leader for this trip will be the Cabrillo Marine Aquarium Program Director who will be assisted by the Aquarium's Education Curator. Cabrillo Marine Aquarium employees will be paid their normal salary and will be provided with food and accommodations throughout the nine-day trip. The volunteer experts will not receive financial remuneration, but will be provided room and board. In the event of last minute cancellations that cannot be filled from a waiting list of paying passengers, Cabrillo Marine will offer passage to Cabrillo Marine Aquarium staff or volunteers who can contribute an in-kind service or can cover the cost of their food and permits. Selection will be made by the Program Director and Aquarium Administrator.

A request for a Charter Section 1022 determination was submitted to the Personnel Department on June 30, 2008. It was determined that although the Department utilizes the classifications of Deck Hand, Boat Captain, and Port Pilot, the Department classifications do not require its incumbents to be Cardio Pulmonary Resuscitation (CPR) certified. Furthermore, the crew must have the ability to communicate in English and Spanish, have knowledge and expertise of the natural history of the area that will be visited in Mexico, navigational experience in the San Ignacio Lagoon, have United States Coast Guard Standards of Training Certification and Watchkeeping, and possess the excursion permit issued by the Mexican government. Based on the qualifications the Department is requesting of the crew, the City does not currently have any classifications that can perform the work.

The Department will pay Royal Polaris Sportfishing, Inc., an amount not to exceed \$59,940 for the nine-day whale-watching and ecological tour excursion. If the Department did not use Royal Polaris Sportfishing, Inc., and were to provide the Deck Hand, Boat Captain, and Port Pilot services; boat rental, maintenance, and operation; accommodation, food and beverages for passengers; all vessel-related charges; small motorized boats for loading and unloading passengers; permits; and, insurance coverage for the entire trip, the Department would incur expenses in excess of \$59,940. Also, due to the temporary nature of the event, it would be necessary upon the whale-watching excursion and ecological tour's conclusion to layoff staff hired specifically for the event.

Royal Polaris Sportfishing, Inc., currently employs staff with the experience and expertise to provide the equipment and staff to perform the necessary services. Therefore, it is more feasible to contract out the services in order to ensure the needs of the public are met.

FISCAL IMPACT STATEMENT:

Funding for this contract is provided in Fund 301, Department 88, ~~Municipal Recreation Program~~ ^{Account 035M Museum Programs.} ~~Account 035M~~. This program is self-sustaining in that the fees from the passengers offset the expense of the program. Cabrillo Marine Aquarium expects to net approximately \$4,000 from this

REPORT OF GENERAL MANAGER

PG. 4

NO. 08-271

program which will be used throughout the year to help offset the cost of other free and low-cost programs offered by Cabrillo Marine Aquarium.

This report was prepared by Mike Schaadt, Director of the Cabrillo Marine Aquarium