

APPROVED
NOV 04 2009

REPORT OF GENERAL MANAGER

NO. 09-285

DATE November 4, 2009

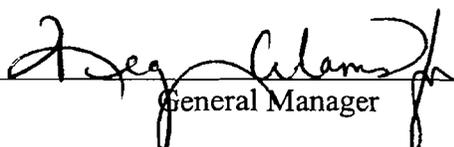
BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 15

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	_____	K. Regan	_____
*V. Israel	_____	M. Shull	_____


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Professional Services Agreement with Royal Polaris Sportfishing, Inc., substantially in the form on file in the Board Office, commencing on December 10, 2009 and ending on March 6, 2010 allowing Cabrillo Marine Aquarium to charter the Royal Polaris vessel for the 36th annual whale-watching and ecological tour excursion to Baja California, Mexico; subject to the approval of the Mayor and City Attorney as to form;
2. Direct the Chief Accounting Employee to appropriate \$59,940.00 from Fund 301, Department 88, Municipal Recreation Program (MRP) 035M for chartering the Royal Polaris vessel from February 26, 2010 through March 6, 2010;
3. Find, that in accordance with Charter Section 1022, 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. 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,

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5. Authorize the Board President and Secretary to 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 35 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, 2010 through March 6, 2010.

In accordance with Los Angeles Administrative Code Section 10.15 (a)(2), competitive bidding for this agreement is not practical or advantageous to the Department. Staff 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 \$2,375.00 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.

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.

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A request for a Charter Section 1022 determination was submitted to the Personnel Department on July 9, 2009. 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. (See Attachment A)

The Department will pay Royal Polaris Sportfishing, Inc., an amount not to exceed \$59,940.00 for the nine-day whale-watching and ecological tour excursion. Additional expenses that would be incurred if the Department provided the Deck Hand, Boat Captain, and Port Pilot services for this trip include: boat rental, maintenance and operation, sleeper cabins, food and beverages for passengers, and small motorized boats for loading and unloading passengers, permits, and insurance coverage for the entire trip. 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:

Funds to pay for the charter are advances and reimbursed to Fund 301, Department 88, Municipal Recreation Program 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 recover all costs associated with this program. There is no impact on the Department's General Fund.

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

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Department of Recreation and Parks

2. Contacts:

Department: Raymond Chang Phone No. (818) 243-6488 Fax No. 818-243-6451

CAO: Veronica Salumbides Phone No. (213) 473-7561 Fax No. 213-473-7514

3. Work to be performed:

The Department's Cabrillo Marine Aquarium requires a contractor for an annual nine-day Whale Watching and Ecological Tour Excursion to San Ignacio Lagoon in Baja, Mexico. The contractor will be responsible for the transport and safety of thirty-nine (39) passengers. Passengers and crew will depart from 2838 Garrison Street in San Diego Harbor in late February 2010 and will return to this destination nine days later.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: 5 months
Start Date: Upon contract execution.

6. Proposed cost of contract (if known): \$59,940

7. Name of proposed contractor: Royal Polaris Sportfishing, Inc.

8. Unique or special qualifications required to perform the work:

Contractor will provide an experienced crew with ability to communicate in English and Spanish with the local community and has expert knowledge of the local region that will be visited. The Contractor must also possess the excursion permit issued by the Mexican Government for entrance to the protected islands found in and around the Sea of Cortez and San Ignacio Lagoon.

9. Are there City employees that can perform the work being proposed for contracting?
Yes No

If yes,

a. Which class(es) and Department(s):

b. Is there sufficient Department staff available to perform the work? Yes No

c. Is there a current eligible list for the class(es)? Yes No Expiration Date:

d. Estimated time to fill position(s) through CSC process?

e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No

f. Are there City employees currently performing the work? Yes No

10. Findings

City employees DO NOT have the expertise to perform the work

City employees DO have the expertise to perform the work

Check if applicable (explanation attached) and send to CAO for further analysis

Project of limited duration would have to layoff staff at end of project

Time constraints require immediate staffing of project

Work assignment exceeds staffing availability

SUMMARY:

Although the City uses classes of Deck Hand, Boat Captains, and Cook, the employees do not have the skills, experience, and necessary permits to perform the scope of work sought by the Department.

Submitted by: Cathy J. Tanaka
Cathy T. Tanaka

Reviewed by: _____
Shelly Del Rosario

Approved by: Shelly Del Rosario
Shannon C. Pascual

Date: July 15, 2014