

REPORT OF GENERAL MANAGER

APPROVED
JUL 14 2010

NO. 10-183

DATE July 14, 2010

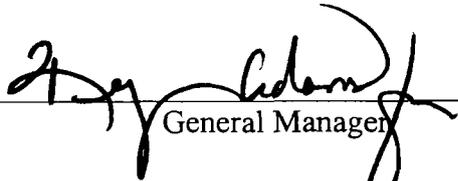
BOARD OF RECREATION
and PARK COMMISSIONERS

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 _____	F. Mok _____
H. Fujita _____	K. Regan _____
S. Huntley _____	M. Shull _____
*V. Israel _____	



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Professional Services Agreement, substantially in the form on file in the Board Office, between the City of Los Angeles Department of Recreation and Parks and Royal Polaris Sportfishing, Inc., to authorize the Cabrillo Marine Aquarium to charter the Royal Polaris fishing vessel for the 37th annual whale-watching and ecological tour excursion to Baja California, Mexico, subject to approval of the Mayor and of the City Attorney as to form;
2. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient expertise to provide these professional services and that it is more feasible to secure these services by contract;
3. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that a competitive bidding process is neither practicable nor advantageous to this agreement as it is for the performance of special services of a temporary and occasional character;

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4. Find, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.17, that it is not reasonably practicable and compatible with the City's interests to obtain proposals because Royal Polaris Sportfishing, Inc. is the only available service for obtaining all the services necessary for this agreement;
5. Authorize the Chief Accounting Employee to appropriate \$61,140.00 from Fund 301, Department 88, Municipal Recreation Program (MRP) Account 035M for the purpose of chartering the Royal Polaris vessel from March 6, 2011 through March 14, 2011;
6. Direct the Board Secretary to transmit forthwith the proposed Professional Service Agreement to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney, for review and approval as to form; and,
7. Authorize the Board President and Secretary to execute the Professional Service Agreement upon receipt of the necessary approvals.

SUMMARY:

The Department of Recreation and Parks Cabrillo Marine Aquarium (Aquarium) is a non-profit public aquarium that engages 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 thirty-six years. The tour excursion attracts participants from across the country and furthers the Aquarium's international reputation as one of the finest teaching aquariums in the country. The goal in sponsoring the trip is to further the Aquarium's mission of promoting knowledge, appreciation, and conservation of Southern California marine life.

The 2011 tour excursion begins on March 6, 2011 and ends on March 14, 2011. In order to plan and prepare for the excursion, the term of the professional services agreement will start on December 9, 2010 and end on March 14, 2011.

Participants will pay a fee of \$2,425 per person. The nine-day excursion begins at the Cabrillo Marine Aquarium where participants will be transported to San Diego to board the Royal Polaris fishing vessel. Participants will explore the pristine coastal environment, diverse geological formations, and native vegetation of Baja, California. During the course of the excursion, participants may catch a glimpse of elephant seals, sea lions, dolphins, marine birds, and whales, all within camera range from small motorized boats (skiffs) in the San Ignacio Lagoon.

Passengers include thirty-three (33) paid participants, three (3) Cabrillo Marine Aquarium staff, and three (3) volunteers who possess expertise in the fields of geology, botany, ornithology, and marine biology. The Aquarium's Program Director will be the team leader and be assisted by

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the Aquarium's Education Curator. Staff will be paid their normal salary without incurring overtime costs and will be provided with food and accommodations throughout the nine-day trip. The volunteers will not receive financial remuneration, but will be provided with food and accommodations. In the event of last minute cancellations that cannot be filled from a waiting list of paying participants, the selection to fill any vacancy will be made by the Program Director and Aquarium Administrator from among staff or volunteers who are able to make in-kind service contributions or cover the cost of food and permits.

Charter Section 1022

Los Angeles City Charter Section 1022 prohibits contracting out work that could be done by City employees unless the Board determines it is more economical and/or feasible to contract out the service.

On June 29, 2010, the Personnel Department completed a Charter Section 1022 review (Attachment A) and determined that the City had classifications that could provide some of the services (Boat Captain and Deck Hand). However, the positions are located in the Department of Public Works Bureau of Sanitation and the Harbor Department and one paid from Special Funds that restrict their availability to provide services to other Departments. It is therefore more feasible to secure these services through an independent contractor. Furthermore, the crew must have the ability to communicate in English and Spanish; have knowledge and expertise of the natural history of the area in Mexico to be visited; navigational experience of 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.

Upon completion of the tour, it would be necessary to layoff any staff hired specifically to provide services for the excursion. Due to the temporary nature of the service and the necessary requirements and qualifications, it is more feasible to secure these services through an independent contractor.

Charter Section 371

Los Angeles City Charter Section 371 requires that all contracts valued at over \$25,000 be subject to a competitive bid process, except as provided in Section 371(e). In accordance with Section 371(e)(2) and Section 10.15(a)(2) of the Los Angeles Administrative Code, the requirement does not apply to contracts, as determined by the contracting authority, for the performance of special services of a temporary and occasional character for which the contracting authority finds that competitive bidding is neither practicable nor advantageous.

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Staff has contacted other vendors that had the necessary permits from the Mexican government. However, the vessels were smaller and had a limited passenger capacity and would have prevented the Aquarium from conducting an adequate program. The Royal Polaris is the only sports fishing boat found to have the necessary permits, experienced staff, and accommodations for the thirty-nine passengers (staff and participants). Therefore, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.17, it is not reasonably practicable and compatible with the City's interests to obtain proposals because Royal Polaris Sportfishing, Inc. is the only available service for obtaining all the services necessary for this agreement.

FISCAL IMPACT STATEMENT:

Funding for this contract is provided in Fund 301, Department 88, Municipal Recreation Program (MRP) Account 035M. This contract has no impact on the Department's General Fund.

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