

APPROVED  
OCT 05 2011

REPORT OF GENERAL MANAGER

NO. 11-277

DATE October 5, 2011

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 WHALE-WATCHING AND ECOLOGICAL TOUR EXCURSION TO BAJA CALIFORNIA, MEXICO

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
V. Israel \_\_\_\_\_

\* K. Regan *[Signature]*  
M. Shull \_\_\_\_\_  
N. Williams \_\_\_\_\_

*[Signature]*  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

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 9, 2011 and ending on March 13, 2012 allowing Cabrillo Marine Aquarium to charter the Royal Polaris vessel for the 38th 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. 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 of the services necessary for this agreement;
5. Authorize the Chief Accounting Employee to appropriate \$62,440.00 from Fund 301, Department 88, Municipal Recreation Program (MRP) Account 035M for the purpose of chartering the Royal Polaris vessel from March 5, 2012 through March 13, 2012;
6. Direct the Board Secretary to transmit forthwith the proposed Professional Service Agreement to the Mayor's Office in accordance with Executive Directive No. 3, and concurrently to the City Attorney for approval as to form; and,
7. 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 37 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 continued support by the City of Los Angeles Department of Recreation and Parks for this year's trip, which is scheduled for March 5, 2012 through March 13, 2012.

The excursion starts from the Cabrillo Marine Aquarium. For a fee of \$2,495 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 while 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. Cabrillo Marine Aquarium employees will be paid their normal salary and will be provided with food and

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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, passage will be offered to Cabrillo Marine Aquarium staff or volunteers who can contribute an in-kind service or who can cover the cost of their food and permits. Selection(s) will be made by the Program Director and Aquarium Administrator.

A request for a Charter Section 1022 determination was submitted to the Personnel Department. It was determined that although the City utilizes the classifications of Deck Hand, Boat Captain, and Port Pilot, they do not possess the unique and special qualifications required for this excursion. 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 \$62,440.00 for the nine-day whale-watching and ecological tour excursion. Additional expenses would be incurred if the Department provided the Deck Hand, Boat Captain, and Port Pilot services for this trip. These expenses would 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 this event, it would be necessary upon the excursion's conclusion, to layoff staff hired specifically for this 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 Department's needs and requirements are met.

In accordance with Los Angeles City Administrative Code Sections 317(e)(2) and 10.15(a)(2), competitive bidding for this agreement is neither practical nor 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 sport fishing boat of adequate size and quality to comfortably accommodate the 39 passengers for the excursion and possessed the necessary permits issued by the Mexican government to allow access to San Ignacio Lagoon.

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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 prepared by Mike Schaadt, Director, Cabrillo Marine Aquarium.

## PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Department of Recreation and Parks

2. Contacts

Department: Raymond Chang Phone No. 818-243-6421 Fax No. 818-243-6451  
 CAO: Veronica Salumbides Phone No. 485-3523 Fax No. 485-8400

3. Work to be performed:

The Department of Recreation and Parks is seeking a contractor to provide services for its' annual nine-day Whale Watching Tour Excursion to San Ignacio Lagoon in Baja, Mexico for the Cabrillo Marine Aquarium. The contractor will be responsible for the transport and safety of thirty-nine (39) passengers, consisting of thirty-three (33) participants, three (3) Cabrillo Marine Aquarium employees, and three (3) volunteers who possess expertise in the fields of Geology, Botany, Ornithology, and Marine Biology, in addition to a vessel crew of eight (8). Passengers and crew will depart from 2838 Garrison Street in San Diego Harbor on February 26, 2009 and will return to this destination on March 6, 2009.

4. Is this a contract renewal? Yes  No

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

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

7. Name of proposed contractor: Royal Polaris Sport Fishing Inc.

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

Contractor must provide an experienced vessel crew of eight (8) consisting of two (2) United States Coastguard Certified Captains, four (4) Deckhands, and two (2) Chefs. Contractor will provide a crew that possess current United States passports; has the knowledge and ability to communicate in English and Spanish with the local community; has local knowledge and expertise of the natural history of the areas that will be visited, including the islands of Todos Santos, San Benito, Cedros, and San Martin; and has navigational experience in the San Ignacio Lagoon. Contractor shall provide materials, equipment, and personnel necessary for performance of services including, but not limited to, all room and accommodations, life jackets, life rafts, meals, snacks, and beverages to trip participants. The Contractor must also possess the excursion permit issued by the Mexican Government, in order to be allowed entrance to the protected islands found in and around the Sea of Cortez and San Ignacio Lagoon. Crew must be subject to random drug testing, CPR certified, and must have United States Coast Guard Standards of Training Certificate and Watchkeeping covering survival at sea and emergency contingency training.

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? Unknown

- 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 SOME 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 does use the classes of Deckhand and Boat Captain, staff found that City employees do not have the expertise, training, or permits to perform the above scope of work.

Submitted by:



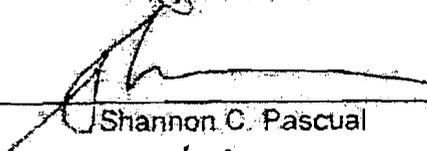
Stephanie Hoffoman

Reviewed by:



Shelly Del Rosario

Approved by:



Shannon C. Pascual

Date:

7/7/08