



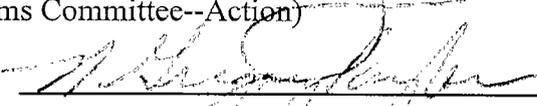
MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

7-1

December 16, 1997

To: Board of Directors (Engineering and Operations Committee--Action)
(Legal and Claims Committee--Action)

From: General Counsel 

Subject: Authorization to Enter into an Agreement on a sole source basis with Curls, Brown & Duran in an amount not to exceed \$200,000 for Legal and Related Consulting Services on the Alameda Corridor Project

RECOMMENDATION(S)

It is recommended that the Board of Directors authorize the General Counsel to enter into an agreement on a sole source basis with Curls, Brown & Duran in an amount not to exceed \$200,000 for legal and related consulting services on the Alameda Corridor Project.

EXECUTIVE SUMMARY

On December 9, 1997, the Board of Directors appropriated funds to finance design work to relocate pipelines impacted by the Alameda Corridor Project (Corridor). The funding request included \$300,000 for Legal Services Expenses associated with the project. The recommended action would secure those requested legal services.

The Corridor is a railroad corridor primarily along Alameda Street connecting the ports of Los Angeles and Long Beach to rail lines near downtown Los Angeles. A major portion of the project involves construction of a trench to accommodate rail lines. Construction of the trench will require the relocation of portions of four Metropolitan pipelines at six locations. The cost of these impacts on Metropolitan is estimated at 17 million dollars.

Given the sizable impact and Metropolitan's responsibility to protect its assets as well as maintain services to member agencies, it is recommended that the Board authorize General Counsel to contract with Curls, Brown & Duran to represent Metropolitan's interest on the Alameda Corridor Project in an amount not to exceed \$200,000. Having outside counsel for this project will help Metropolitan to avoid costly litigation and/or payment of penalties due to not taking appropriate actions. Required services include legal research, memorandum of understanding development, creation of potential litigation strategy, and legislative review.

CEQA COMPLIANCE / ENVIRONMENTAL DOCUMENTATION

The recommended action is categorically exempt from the California Environmental Quality Act (CEQA) because it involves data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource (State CEQA Guidelines, section 15306).

CONTRACT SUMMARY

Contract Status:	In preparation	Type of Selection:	Sole Source
Contract Form:	Professional Services	Contractors Requesting Plans:	
Contract Type:	New	Proposals Submitted:	
Evaluation Criteria:	Expertise in legal research, litigation, and legislative review in the area of utility relocation		

MBE / WBE

No Minority-Owned Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE) participation goals have been established for this contract. However, Curls, Brown & Duran is a certified MBE.

DETAILED REPORT

On December 9, 1997, the Board of Directors appropriated \$2,425,000 (Appropriation No. 15313) of budgeted funds to finance design work to relocate pipelines impacted by the Alameda Corridor Project (Corridor). Included in the funding request was \$300,000 for Legal Services Expenses associated with the project. The recommended action would secure those requested legal services.

The Alameda Corridor Project is a 20-mile railroad corridor primarily along Alameda Street that will connect the ports of Los Angeles and Long Beach to rail lines near downtown Los Angeles. It has already begun and is anticipated to be completed in 2001. The overall project includes road improvements and realignments in the vicinity of the corridor that will enhance traffic flow and public safety by eliminating congestion at nearly 200 existing street-level crossings. A major portion of the project involves construction of a trench along a portion of Alameda Street to accommodate rail lines. Construction of the trench will require the relocation of portions of four Metropolitan pipelines at six locations. The corridor project will have no impact on the Metropolitan Headquarters project. The cost of these impacts on Metropolitan is estimated at 17 million dollars.

In general, to accommodate road and transit improvement projects, Metropolitan frequently must relocate and/or provide protection for its pipelines and facilities at significant costs. Based on information received from the project proponent, the preliminary cost estimate for design, construction, and inspection for the relocation and protection of Metropolitan's facilities may be 17 million dollars. Responsibility for funding these projects is often determined by which party, the project proponent or Metropolitan, has superior rights. General Counsel, in conjunction with the proponent, are resolving the issues of rights and reimbursements.

Given the sizable impact and Metropolitan's responsibility to protect its assets as well as maintain services to member agencies, it is in Metropolitan's interest to have outside counsel on this project. The required legal and consulting services will help Metropolitan to avoid costly litigation and/or payment of penalties due to not taking appropriate actions. Services include: legal research, particularly in the areas of eminent domain and utility relocation law; memorandum of understanding development on issues including, but not limited to, rights-of-way, easements, proprietary rights, and reimbursements; creation of potential litigation strategy; and review of existing Federal and State Legislation relevant to the Corridor project.

NGT/HAR/dkm