

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: December 28, 2022

CAO File No. 0220-05356-0004
0220-05356-0005
Council File No. 16-0358
18-0600-S116
18-0600-S135
Council District: All

To: The Mayor and Council

From: Matthew W. Szabo, City Administrative Officer



Reference: Transmittal from the Board of Police Commissioners dated November 8, 2022 (Fifth Amendment and Sixth Amendment)

Subject: **FIFTH AND SIXTH AMENDMENTS TO CONTRACT NO. C-129255 BETWEEN THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND THE LOS ANGELES POLICE DEPARTMENT**

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

1. Authorize the Chief of Police, or designee, to execute the Fifth Amendment to Contract No. C-129255 with the Los Angeles County Metropolitan Transportation Authority (LACMTA) that replaces Exhibit A – Statement of Work with an updated version dated January 1, 2022;
2. Authorize the Chief of Police, or designee, to execute the Sixth Amendment to Contract No. C-129255 with the LACMTA that extends the term by six months from June 30, 2022 to December 31, 2022, and increases the contract budget by \$54 million from \$429,485,297 to \$483,485,497; and,
3. Authorize the Los Angeles Police Department to prepare Controller instructions for any technical adjustments, as necessary, subject to the approval of the City Administrative Officer, and authorize the Controller to implement the instructions.

SUMMARY

At its meeting on November 8, 2022, the Board of Police Commissioners (Board) approved a proposed Fifth Amendment to Contract No. C-129255 between the Los Angeles Police Department (Department) and the Los Angeles County Metropolitan Transportation Authority (LACMTA). The proposed Fifth Amendment will replace Exhibit A – Statement of Work in its entirety and substitute with a revised version dated January 1, 2022 that includes changes to the specific responsibilities

such as a plan to ensure effective law enforcement presence, body-worn camera deployment, and management and administrative duties of personnel.

On November 8, 2022, the Board approved the Sixth Amendment to extend the term by six months through December 31, 2022 and increase the contract budget by \$54 million from \$429,485,497 to \$483,485,497. The proposed Sixth Amendment also incorporates a non-disparagement clause as required by LACMTA, whereas Department staff shall not publicly disparage, denigrate or otherwise negatively characterize the LACMTA.

Background

On May 3, 2017, the Council authorized the Department to execute a five-year contract with the LACMTA to provide law enforcement services for the transit system's infrastructure, bus, and rail lines (C.F. 16-0358). The term of the agreement began on July 1, 2017 and expired on June 30, 2022, with a maximum allowable compensation of \$369,330,499. On June 29, 2018, the Council approved the First Amendment to Contract No. C-129255 that modified Section GC-14-A Termination for Convenience clause from six months to 12 months, which states that either party may terminate the agreement without cause by written notice sent at least 12 months prior to the termination (C.F. 18-0600-S116). This amendment also included budgetary adjustments and service enhancements to address understaffing and expanded hours, added a full-time K-9 Bomb Unit, and modified the dedicated Homeless Outreach and Proactive Engagement team from an overtime basis to 11 full-time officers. On September 29, 2021, the Council approved the Second Amendment with the LACMTA to increase the maximum allowable compensation by \$21,526,518 from \$369,330,499 to \$390,857,017. On June 15, 2022, the Council approved the Third Amendment to increase the maximum allowable compensation by \$38,628,480 from \$390,857,017 to \$429,485,497 and the Fourth Amendment that incorporates language requiring employees to comply with an enforced COVID-19 vaccine mandate.

In accordance with Los Angeles Administrative Code Section 10.5(b)2, Council approval of the proposed amendments are required because Council approved the original agreement and subsequent amendments.

FISCAL IMPACT STATEMENT

Approval of the recommendations stated in this report will authorize the Los Angeles Police Department (Department) to execute the Fifth Amendment to Contract No. C-129255 with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to revise Exhibit A – Statement of Work. In addition, the recommendations authorize the Department to execute a Sixth Amendment with the LACMTA to extend the term by six months through December 31, 2022 and increase the contract budget by \$54 million to \$483,485,497. The proposed Sixth Amendment also incorporates a non-disparagement clause, as required by LACMTA. All other terms remain the same. Reimbursement for services provided will be deposited into Revenue Source Code 4603, Service to LACMTA. There is no additional impact to the General Fund.

FINANCIAL POLICIES STATEMENT

The recommendations stated in this report are in compliance with the City's Financial Policies in that the City will be reimbursed for services provided, based on the full cost of operations.

MWS:DP:04220067c

Attachments

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

WILLIAM J. BRIGGS, II
PRESIDENT

EILEEN M. DECKER
VICE PRESIDENT

DAVE BONNER
MARIALOU GALANCHA
STEVE SOBOROFF

MARIA SILVA
COMMISSIONER EXECUTIVE ASSISTANT II



ERIC GARCETTI
MAYOR

RICHARD M. TEFANI
EXECUTIVE DIRECTOR

MARK F. SMITH
INSPECTOR GENERAL

EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 West First Street, Suite 186
Los Angeles, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

November 8, 2022

BPC #22-237

The Honorable Eric Garcetti
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

Attention: Holcen Ramirez

Dear Honorable Mayor:

RE: REQUEST FOR APPROVAL OF THE FIFTH AMENDMENT TO CITY CONTRACT NO.
C-129255 BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES
COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

At the regular meeting of the Board of Police Commissioners held Tuesday, November 8, 2022 the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

Handwritten signature of Maria Silva in cursive.

MARIA SILVA
Commission Executive Assistant II

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

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October 26, 2022
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TO: The Honorable Board of Police Commissioners

POLICE COMMISSION
RECEIVED
RICHARD M. SEPANK
EXECUTIVE DIRECTOR
11/2/22
DATE

FROM: Chief of Police

SUBJECT: REQUEST FOR APPROVAL OF THE FIFTH AMENDMENT TO CONTRACT NO. C-129255 BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR TRANSIT LAW ENFORCEMENT SERVICES

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached Fifth Amendment to City Contract No. C-129255 (MTA Contract No. PS5862100LAPD24750, Modification No. 5) between the City of Los Angeles acting by and through the Los Angeles Police Department (LAPD) and the Los Angeles County Metropolitan Transportation Authority (LACMTA).
2. That the Board TRANSMIT the Fifth Amendment to the Mayor's Office for review and approval.
3. That the Board AUTHORIZE the Chief of Police to execute the Fifth Amendment upon Mayoral approval.

DISCUSSION

On February 23, 2017, the LACMTA selected the LAPD under a competitive bid process to provide law enforcement services to the LACMTA infrastructure, bus and rail lines, and ridership within the City of Los Angeles. The LAPD and the LACMTA entered into a five-year contract, which became effective on March 1, 2017 and expired on June 30, 2022.

This Fifth Amendment deletes "Exhibit A - Statement of Work", pages 6 through 12, in its entirety and substitutes in lieu thereof, "Exhibit A - Statement of Work" revised as of January 1, 2022 (attached). Deputy City Attorney Samuel Petty of the Office of the City Attorney has approved this Fifth Amendment as to form.

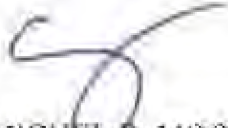
The Honorable Board of Police Commissioners

Page 2

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Should you have any questions concerning this request, please contact
Commander Natalie Cortez, Commanding Officer, Transit Services Group, at (213) 922-3614.

Respectfully,



MICHEL R. MOORE
Chief of Police

Attachments

**BOARD OF
POLICE COMMISSIONERS**
Approved *November 8, 2022*
Secretary *Thana Silva*

INTRADEPARTMENTAL CORRESPONDENCE

October 18, 2022
3.5

TO: Chief of Police

FROM: Commanding Officer, Fiscal Group

SUBJECT: REQUEST FOR APPROVAL OF THE FIFTH AMENDMENT TO CONTRACT NO. C-129255 BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR TRANSIT LAW ENFORCEMENT SERVICES

The Fifth Amendment to City Contract No. C-129255 (MTA Contract No. PS5862100LAPD24750, Modification No. 5) between the City of Los Angeles acting by and through the Los Angeles Police Department (LAPD) and the Los Angeles County Metropolitan Transportation Authority (LACMTA) is attached for your review, approval, and transmittal to the Board of Police Commissioners (Board).

On February 23, 2017, the LACMTA selected the LAPD under a competitive bid process to provide law enforcement services to the LACMTA infrastructure, bus and rail lines, and ridership within the City of Los Angeles. The LAPD and the LACMTA entered into a five-year contract, which became effective on March 1, 2017 and expired on June 30, 2022.

This Fifth Amendment deletes "Exhibit A - Statement of Work", pages 6 through 12, in its entirety and substitutes in lieu thereof, "Exhibit A - Statement of Work" revised as of January 1, 2022 (attached). Deputy City Attorney Samuel Petty of the Office of the City Attorney has approved this Fifth Amendment as to form.

Should you have any questions concerning this request, please contact Senior Management Analyst II James T. Aceron, Officer in Charge, Contracts Section, Fiscal Group at (213) 486-0112.



TRINA UNZICKER, Police Administrator II
Commanding Officer
Fiscal Group

Attachments

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
CONTRACT NO. PS5862100LAPD24750, MODIFICATION NO. 5**

FOR: TRANSIT LAW ENFORCEMENT SERVICES

This Contract Modification No. 5 to Contract No. PS5862100LAPD24750 effective January 1, 2022, by and between the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, hereinafter referred to as "METRO", and the City of Los Angeles, a municipal corporation acting by and through its Police Department (LAPD), hereinafter referred to as the "CONTRACTOR."

WHEREAS, Contractor and Metro entered into Contract No. PS5862100LAPD24750, effective March 1, 2017, subsequently modified by Modification No. 1, effective July 1, 2018, Modification No. 2 effective August 16, 2021, Modification No. 3 effective January 1, 2022 and Modification No. 4 effective July 1, 2022 (the "Existing Contract") and;

WHEREAS, Contractor and METRO desire to amend the Existing Contract as provided herein;

Now, therefore, it is mutually agreed, by and between the parties, as follows:

1. EXHIBIT A – STATEMENT OF WORK

Delete Exhibit A - Statement of Work, pages 6 through 12, in its entirety and substitute in lieu thereof, Exhibit A –Statement of Work revised as of January 1, 2022, attached hereto and incorporated herein by this reference and made an integral part hereof.

Attached is revised Exhibit A – Statement of Work, pages 6 through 12 of Contract No. PS5862100LAPD24750. Amendment revisions are identified by a denoted bar (I) in the border and are printed in bold and italics for easy reference.

All other terms and conditions of Contract No. PS5862100LAPD24750 shall remain unchanged.

Except as expressly modified hereby, the Existing Contract, as modified remains in full force and effect as originally executed.

IN WITNESS WHEREOF, the parties have caused this Modification No. 5 to the Existing Contract to be executed by their respective officers duly authorized on the date first written above.

CITY OF LOS ANGELES
c/o Los Angeles Police Department
100 W. 1st Street
Los Angeles, CA 90012

**LOS ANGELES COUNTY
METROPOLITAN
TRANSPORTATION AUTHORITY**

SIGNATURE OF AUTHORIZED OFFICIAL

STEPHANIE N. WIGGINS
CHIEF EXECUTIVE OFFICER

BY: _____
(PRINT OR TYPE NAME)

BY: _____

(TITLE)

(DATE)

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER
City Attorney

ATTEST:
Holly L. Wolcott
City Clerk

By: _____
DANIEL KREINBRING
Deputy City Attorney

By: _____
Deputy City Clerk

Date: _____

Date: _____

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

WILLIAM J. BRIGGS, II
PRESIDENT

EILEEN M. DECKER
VICE PRESIDENT

DALE BONNER
MARIA LOU CALANCA
STEVE SOBOROFF

MARIA SILVA
COMMISSION EXECUTIVE ASSISTANT II



ERIC GARCETTI
MAYOR

RICHARD M. TEFAUK
EXECUTIVE DIRECTOR

MARK P. SMITH
INSPECTOR GENERAL

EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 1201
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 233-1440 TDD

November 8, 2022

BPC #22-236

The Honorable Eric Garcetti
Mayor, City of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012

Attention: Heleen Ramirez

Dear Honorable Mayor:

RE: REQUEST FOR APPROVAL OF THE SIXTH AMENDMENT TO CITY CONTRACT NO.
C-129255 BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES
COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

At the regular meeting of the Board of Police Commissioners held Tuesday, November 8, 2022 the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

MARIA SILVA
Commission Executive Assistant II

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

RECEIVED *PC-254*

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October 26, 2022
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POLICE COMMISSION

Richard M. Tefank
REVIEWED BY: *11/2/22*

RICHARD M. TEFANK DATE
EXECUTIVE DIRECTOR

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: REQUEST FOR APPROVAL OF THE SIXTH AMENDMENT TO
CONTRACT NO. C-129255 BETWEEN THE CITY OF LOS ANGELES AND
THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
AUTHORITY

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached Sixth Amendment to City Contract No. C-129255 (MTA Contract No. PS5862100LAPD24750, Modification No. 6) between the City of Los Angeles acting by and through the Los Angeles Police Department (LAPD) and the Los Angeles County Metropolitan Transportation Authority (LACMTA).
2. That the Board TRANSMIT the Sixth Amendment to the Mayor's Office for review and approval.
3. That the Board AUTHORIZE the Chief of Police to execute the Sixth Amendment upon Mayoral approval.

DISCUSSION

On February 23, 2017, the LACMTA selected the LAPD under a competitive bid process to provide law enforcement services to the LACMTA infrastructure, bus and rail lines, and ridership within the City of Los Angeles. The LAPD and the LACMTA entered into a five-year contract, which became effective on March 1, 2017 and expired on June 30, 2022.

This Sixth Amendment extends the term of the contract and period of performance by six months ending on December 31, 2022, increases the contract budget of \$429,485,497.00 by \$54,000,000.00 to \$483,485,497.00, and incorporates language by the LACMTA requiring a non-disparagement clause. Deputy City Attorney Samuel Petty of the Office of the City Attorney has approved this Sixth Amendment as to form.

The Honorable Board of Police Commissioners

Page 2

3.5

Should you have any questions concerning this request, please contact
Commander Natalie Cortez, Commanding Officer, Transit Services Group, at (213) 922-3614.

Respectfully,



MICHEL R. MOORE
Chief of Police

**BOARD OF
POLICE COMMISSIONERS**
Approved *November 8, 2022*
Secretary *Maria Silva*

Attachments

INTRADPARTMENTAL CORRESPONDENCE

October 18, 2022

3.5

TO: Chief of Police

FROM: Commanding Officer, Fiscal Group

SUBJECT: REQUEST FOR APPROVAL OF THE SIXTH AMENDMENT TO CONTRACT NO. C-129255 BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

The Sixth Amendment to City Contract No. C-129255 (MTA Contract No. PS5862100LAPD24750, Modification No. 6) between the City of Los Angeles acting by and through the Los Angeles Police Department (LAPD) and the Los Angeles County Metropolitan Transportation Authority (LACMTA) is attached for your review, approval, and transmittal to the Board of Police Commissioners (Board).

On February 23, 2017, the LACMTA selected the LAPD under a competitive bid process to provide law enforcement services to the LACMTA infrastructure, bus and rail lines, and ridership within the City of Los Angeles. The LAPD and the LACMTA entered into a five-year contract, which became effective on March 1, 2017 and expired on June 30, 2022.

This Sixth Amendment extends the term of the contract and period of performance by six months ending on December 31, 2022, increases the contract budget of \$429,485,497.00 by \$54,000,000.00 to \$483,485,497.00, and incorporates language by the LACMTA requiring a non-disparagement clause. Deputy City Attorney Samuel Petty of the Office of the City Attorney has approved this Sixth Amendment as to form.

Should you have any questions concerning this request, please contact Senior Management Analyst II James T. Aceron, Officer in Charge, Contracts Section, Fiscal Group at (213) 486-0112.



TRINA UNZICKER, Police Administrator II
Commanding Officer
Fiscal Group

Attachments

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
CONTRACT NO. PS5862100LAPD24750, MODIFICATION NO. 6**

FOR: TRANSIT LAW ENFORCEMENT SERVICES

This Contract Modification No. 6 to Contract No. PS5862100LAPD24750 effective June 30, 2022, by and between the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, hereinafter referred to as "METRO", and the City of Los Angeles, a municipal corporation acting by and through its Police Department (LAPD), hereinafter referred to as the "CONTRACTOR."

WHEREAS, Contractor and Metro entered into Contract No. PS5862100LAPD24750, effective March 1, 2017, subsequently modified by Modification No. 1, effective July 1, 2018, Modification No. 2 effective August 16, 2021, Modification No. 3 effective January 1, 2022, Modification No. 4 effective July 1, 2022, and Modification No. 5 effective January 1, 2022, hereinafter referred to as the "Existing Contract" and;

WHEREAS, Contractor and METRO desire to amend the Existing Contract as provided herein;

Now, therefore, it is mutually agreed, by and between the parties, as follows:

1. ARTICLE IV.A – CONTRACT PRICE

The not-to-exceed Contract Price of \$429,485,497 shall be increased by \$54,000,000 for a revised not-to-exceed total Contract Price of \$483,485,497.

2. ARTICLE V: CONTRACT TERM AND PERIOD OF PERFORMANCE

Extend the term of the Contract by six (6) months to cover the period July 1, 2022, through December 31, 2022, and change the total Period of Performance to read, March 23, 2017, through December 31, 2022.

3. SP-05 - NON-DISPARAGEMENT

Contractor shall not publicly disparage, denigrate or otherwise negatively characterize the reputation, operations, or administration of LACMTA, including its officers, directors, managers, members, shareholders, partners, owners, employees, agents, successors and assigns. In the event the Contractor breaches this provision, LACMTA reserves the right to terminate this Contract for default; provided, however, that prior to LACMTA taking any action in furtherance of terminating the Contractor due to Contractor's alleged breach of this provision, representatives of LACMTA and Contractor shall first meet to discuss in good faith the alleged breach and agree on mitigating actions that Contractor may take to cure the alleged breach to LACMTA's approval, which approval LACMTA shall not unreasonably withhold.

All other terms and conditions of Contract No. PS5862100LAPD24750 shall remain unchanged.

Except as expressly modified hereby, the Existing Contract, as modified remains in full force and effect as originally executed.

IN WITNESS WHEREOF, the parties have caused this Modification No. 6 to the Existing Contract to be executed by their respective officers duly authorized on the date first written above.

CITY OF LOS ANGELES
c/o Los Angeles Police Department
100 W. 1st Street
Los Angeles, CA 90012

**LOS ANGELES COUNTY
METROPOLITAN
TRANSPORTATION AUTHORITY**

SIGNATURE OF AUTHORIZED OFFICIAL

STEPHANIE N. WIGGINS
CHIEF EXECUTIVE OFFICER

BY: _____
(PRINT OR TYPE NAME)

BY: _____

(TITLE)

(DATE)

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER
City Attorney

ATTEST:
Holly L. Walcott
City Clerk

By: _____
DANIEL KREINBRING
Deputy City Attorney

By: _____
Deputy City Clerk

Date: _____

Date: _____