



OFFICE OF THE CITY ATTORNEY

411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802
Writer's Direct Dial: (562) 570-
Facsimile: (562) 436-1579
E-Mail: @longbeach.gov

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CHARLES PARKIN
City Attorney

GARY J. ANDERSON
Assistant City Attorney

May 24, 2022

DAWN A. MCINTOSH
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize the City Manager to execute an agreement for legal services with the firm of Keesal, Young & Logan for a period of one year, with the option to renew for an additional one-year period, for a total contract amount not to exceed \$150,000, related to a contract for construction of a multi-purpose patrol vessel with Safe Harbor New England Boatworks of Portsmouth, RI. (Citywide)

DISCUSSION

The City Council is requested to authorize the City Manager to execute an agreement with the firm Keesal, Young & Logan for a one-year period, with the option to renew for an additional one-year period, for a total contract amount not to exceed \$150,000.

On June 10, 2014, the City Council adopted Specifications No. 1TB FS14-061, and authorized the City Manager to enter into Contract No. 33456 with NAIAD Inflatables of Newport, Inc., of Rhode Island, using 2011 Port Security Grant Program funds for the purchase of a multi-purpose patrol vessel for Port Security. To guarantee its performance under the contract, NAIAD furnished a bond for Faithful Performance issued by Allegheny Casualty Company (the Surety) on July 10, 2014. A contract dispute had arisen among the parties when the vessel was not completed and, thus, was not timely delivered in accordance with the terms of the contract.

To resolve this dispute, the Surety proposed Safe Harbor New England Boatworks as the takeover contractor to complete construction of the vessel. On September 15, 2020, the City Council authorized a contract with Safe Harbor New England Boatworks to complete the construction of the multi-purpose patrol vessel to be used by Port Security. The multi-use vessel will augment current maritime resources, increase security in the Port and coastal waterways, and help mitigate any response delays to critical incidents.

The City retained outside legal counsel with the firm of Keesal, Young & Logan, and specifically attorney John Giffin, due to the complexity of the matter. Outside counsel handles all negotiations, proceedings, status updates, payments of City's marine surveyor who attends inspections, and the like on behalf of the City for this project. The City Attorney now requires City Council approval for additional funding for outside counsel, as it has nearly

May 24, 2022
Page 2

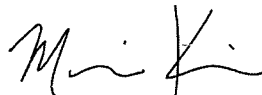
reached the threshold under Purchase Order No. 3191300012 for professional services equal to or under \$200,000. Due to the pandemic, labor shortages, and unanticipated engine issues, construction has once again been delayed. As such, the City has a continued need for outside counsel's legal services related to this contract and associated legal issues.

SUGGESTED ACTION

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By: 
MONICA J. KILAITA
Deputy City Attorney

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