



# Report to the BOARD OF AIRPORT COMMISSIONERS

Approved by: Robert D. Freeman, Airport Environmental Manager II

*Michael D. Feldman*

Reviewed by: Michael D. Feldman, Deputy Executive Director

*[Signature]*

City Attorney

*[Signature]*

*Gina Marie Lindsey*

Gina Marie Lindsey - Executive Director

Meeting Date:

March 21, 2011

CAO Review:

<input type="checkbox"/>	Completed
<input checked="" type="checkbox"/>	Pending
<input type="checkbox"/>	N/A

Reviewed for	Date	Approval Status	By
Capital Budget	03/08/11	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA	DS
Operating Budget	03/10/11	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	RW
CEQA	03/08/11	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	AE
Procurement	03/08/11	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond	TJ

**SUBJECT: Second Contract Amendment with Harris Miller Miller & Hanson Inc.**

Approve the Second Amendment for Contract DA-4020 with Harris Miller Miller & Hanson Inc. for professional services to complete the Federal Aviation Regulations Part 161 Study at Los Angeles International Airport for an additional time period of 24 months for a total contract term of eight years, with no increase to the current contract amount of \$8,413,209.

**RECOMMENDATIONS:**

Management RECOMMENDS that the Board of Airport Commissioners:

- ADOPT the Staff Report.
- DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.d of the Los Angeles City CEQA Guidelines.
- FIND that this work can be performed more economically or feasibly by an independent contractor than by City employees.
- APPROVE the second amendment to contract DA-4020 with Harris Miller Miller & Hanson Inc. for professional services to complete the Federal Aviation Regulations Part 161 Study at Los Angeles International Airport for an additional time period of 24 months.
- AUTHORIZE the Executive Director or designee to execute the Second Amendment to contract DA-4020 for professional services to complete the Part 161 Study at Los Angeles International Airport after approval by the City Council, and approval as to form by the City Attorney.

## **DISCUSSION:**

### **1. Executive Summary**

Staff requests the Board of Airport Commissioners (BOAC) approve a second amendment to Contract DA-4020 with Harris Miller Miller & Hanson Inc. (HMMH) for professional services to complete the Federal Aviation Regulations (FAR) Part 161 Study at Los Angeles International Airport (LAX) for an additional time period of 24 months for a total contract term of eight years with no increase in contract amount.

Completing the LAX Part 161 Study is a requirement of the LAX Master Plan Community Benefits Agreement (CBA), the LAX Master Plan Mitigation Monitoring and Reporting Program (MMRP), and the LAX Master Plan Stipulated Settlement Agreement (SSA). The provisions of the SSA require Los Angeles World Airports (LAWA) to submit to the Federal Aviation Administration (FAA) an application that requests approval to impose noise restrictions at LAX.

The current contract with HMMH will expire on April 19, 2011. This proposed extension will allow sufficient time for HMMH to complete the LAX Part 161 Study, prepare an application for LAWA to submit to the FAA, and assist LAWA with any needed pre-submittal and post-submittal support.

### **2. Prior Related Actions**

On February 18, 2003, BOAC adopted Resolution 21975, authorizing LAWA's Executive Director to advertise and issue a Request for Proposals (RFP) to qualified firms for consultant services to perform two separate FAR Part 161 Studies for LAX and Van Nuys Airport (VNY). The BOAC approved goal of the LAX Part 161 Study was to gain FAA approval that prohibits the easterly departure of all aircraft, with certain exceptions, during the hours of 12:00 midnight and 6:30 a.m. when the airport is operating in either Over-Ocean Operations or remains in Westerly Operations. The proposed restriction would not be in effect during those times when LAX is operating in Easterly Operations.

On July 19, 2004, the BOAC adopted Resolution 22435 selecting HMMH to conduct both the LAX and VNY Part 161 Studies. The evaluation and selection of HMMH was done in accordance with the standard competitive process for professional services pursuant to the RFP.

On March 21, 2005, the BOAC adopted Resolution 22638 awarding a three-year contract (DA-4020) to HMMH to conduct the LAX and VNY Part 161 Studies with a not to exceed amount of \$6.5 million. The Notice to Proceed was issued to HMMH on April 20, 2005, and the project officially kicked off on June 8, 2005.

On March 3, 2008, the BOAC adopted Resolution 23509 authorizing a three-year amendment to contract DA-4020 (DA-4020A), which added funds in the amount of \$1,931,124 to the contract for both the LAX and VNY Part 161 studies. The additional time and contract amount was needed due to the expansion of the scope-of-work for the VNY Part 161 Study and to pass the VNY Stage 2 Aircraft Phaseout Ordinance. HMMH completed the work related to the VNY Part 161 Study, including adopting and implementing the Noisier Aircraft Phase-out Regulation under the Part 161 "grandfather" provision. This regulation addresses the objectives of several of the proposed restrictions to limit operations of the noisiest aircraft types operating at VNY. HMMH also prepared a draft application for the immediate ban of Stage 2 aircraft from VNY, and is completing an update of the Fly Friendly Target Noise Level Program which will enhance this already successful voluntary program that was shown to have measurable noise reduction benefits.

### **3. Current Action**

This amendment will provide the additional time needed by LAWA to complete the Part 161 Study at LAX, prepare an application for the LAX proposed noise restriction for submittal to the FAA, submit the application to the FAA, perform the necessary Public Outreach Program for the application, and allow HMMH to provide pre-submittal and post-submittal support to LAWA during the FAA approval process. No additional funding authority is requested since there is approximately \$1,500,000 authority remaining in contract DA-4020A for the LAX Part 161 Study.

Congress enacted the Airport Noise and Capacity Act (ANCA) in 1990 preventing airport proprietors from implementing any noise and access restrictions without FAA approval. ANCA also required the FAA to establish a national program to review noise and access restrictions that airport proprietors wish to impose on aircraft operations. The FAA enacted regulations to implement this program in Part 161 of Title 14 of the Code of Federal Regulations. The LAX Part 161 Study is the specified process required to justify the FAA waiver of the federal preemption.

The LAX Part 161 Study was placed on hold during the last three years because the required baseline and projected fleet mix developed earlier were rendered obsolete due to the drop in air traffic at LAX. Fleet mix projections and forecasts were recently updated in the Specific Plan Amendment Study, allowing the LAX Part 161 project to move forward.

The goal of the LAX Part 161 Study is to evaluate the proposed restrictions on eastbound departures between the hours of midnight and 6:30am daily. The FAA must approve the proposed restrictions before they can be implemented. To obtain FAA approval, the LAX Part 161 Study must provide evidence, based on a cost-benefit analysis, that the estimated potential benefits of the restrictions have a reasonable chance to exceed the estimated potential cost of the adverse effects on interstate and foreign commerce. Preliminary data indicates that the cost-benefit analysis will be difficult to establish. However, the work must be completed and submitted to the FAA for review in order for LAWA to meet its commitments in the CBA, SSA, and MMRP.

HMMH pledged a 23.5% M/W/OBE participation which covered the Part 161 Studies for both LAX and VNY. HMMH has achieved an 11% subcontractor participation to date. Due to the nature of the project, HMMH's plan for M/W/OBE participation was to utilize those subcontractors near the end of project with an extensive public outreach program (POP). However, work on the LAX Part 161 was suspended for over two years and no work was done on the project. Therefore, the POP was not needed as originally anticipated.

Staff recommends the BOAC authorize the Executive Director to execute the Second Amendment to DA-4020 with HMMH adding an additional 24 months to the contract for a total contract term of eight years to complete the LAX Part 161 Study.

### **4. Alternatives Considered**

#### **▪ Use Existing City Staff**

Staff considered using City Personnel to perform these services but no City department, including LAWA, have sufficient staff with the knowledge of the Part 161 Study processes to complete the study and prepare the appropriate FAA application. However, pursuant to Charter Section 1022 the work specified can be performed more feasibly or economically by an independent contractor than by City Employees.

- **Do Not Approve the Amendment**

Staff considered not amending this contract. However, not taking this action would require a new procurement of services and further delay LAWA's efforts to comply with the provisions of the LAX Master Plan Community Benefits Agreement (CBA), the LAX Master Plan Mitigation Monitoring and Reporting Program (MMRP), and the LAX Master Plan Stipulated Settlement Agreement (SSA). This alternative is not recommended.

**FISCAL & ECONOMIC IMPACT STATEMENT:**

Funds for this item are currently available in the Fiscal Year 2010-2011 Los Angeles World Airports Operating Budget in Cost Center 1140006 – Noise Management Section, Commitment Item 520 – Contractual Services. Funds for future years will be requested as part of the annual budget process.

**STANDARD PROVISIONS:**

1. Feasibility and planning studies for possible future action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.d of the Los Angeles City CEQA Guidelines.
2. The City Attorney will approve this contract as to form.
3. Actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373.
4. Harris, Miller, Miller & Hanson, Inc. is required by contract to comply with the provisions of the Living Wage Ordinance.
5. Procurement Services reviewed this action (File No. 003244) and established a 25% combined Minority/Women Business Enterprise level of participation for this project. Harris, Miller, Miller & Hanson, Inc. committed to 23.5% and has achieved 11% participation to date.
6. Harris, Miller, Miller & Hanson, Inc. is required by contract to comply with the provisions of the Affirmative Action Program.
7. Harris, Miller, Miller & Hanson Inc. has been assigned Business Tax Registration Certificate No. 000591907.
8. Harris, Miller, Miller & Hanson, Inc. is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. Harris, Miller, Miller & Hanson, Inc. has approved insurance documents, in the terms and amounts required, on file with the Los Angeles World Airports.
10. Pursuant to Charter Section 1022, staff determined that the work specified on this contract can be performed more economically and feasibly by an Independent Contractor than by City employees.
11. Harris, Miller, Miller & Hanson, Inc. has submitted the Contractor Responsibility Program Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Program.
12. Harris, Miller, Miller & Hanson, Inc. has been determined by Public Works, Office of Contract Compliance to be in compliance with the provisions of the Equal Benefits Ordinance.

13. Harris, Miller, Miller & Hanson, Inc. will be required to comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.

**SUB-CONTRACTOR UTILIZATION STATUS****LAX PART 161 STUDY FOR LAX AND VNY – DA-4020**

BOARD REPORT SUBJECT/PROGRAM

**HARRIS MILLER MILLER & HANSON INC.**

PRIME CONTRACTOR

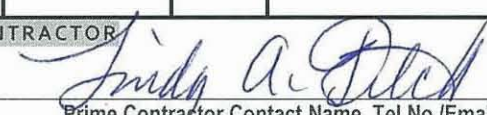
Sub-Contractor Information		Status Participation		Proposed % Level of Participation	Amt (\$) to-date (Invoiced/Gross Receipts)	% Utilized to-date	Brief Description of Project Services
		Yes (Profile Information)*	No				
Name	CommuniQuest, Inc.	Group:	WBE				
Address	2775 Tapo Street #103	Ethnicity:	W				
City/State/Zip	Simi Valley, CA 93063	Gender:	F		8%	\$330,467	6%
Contact Name/No.	Christine Eberhard-Neveaux	NAICS:					Public Outreach; Survey assistance
Name	Crown Consulting, Inc.	Group:	MBE				
Address	1400 Key Blvd., Suite 1100	Ethnicity:	A				
City/State/Zip	Arlington, VA 22209	Gender:	M		2%	\$81,840	1%
Contact Name/No.	Robert Ramseth	NAICS:					Website hosting & maintenance
Name	Dakota Communications	Group:	MBE				
Address	2999 Overland Ave., Suite 210	Ethnicity:	B				
City/State/Zip	Los Angeles, CA 90064	Gender:	M		6%	\$154,230	3%
Contact Name/No.	Kerman Maddox, 310.815.8444	NAICS:					Public outreach & meeting logistics
Name	Medlin & Associates, Inc.	Group:	WBE				
Address	P.O. Box 130941	Ethnicity:					
City/State/Zip	Carlsbad, CA 92013	Gender:	F		1%	\$35,660	1%
Contact Name/No.	Kathy Medlin, 760.930.6515	NAICS:					Noise measurements
Name	Media X Communication Design	Group:	WBE, DBE				
Address	1743 W. River Lane	Ethnicity:					
City/State/Zip	Santa Ana, CA 92706	Gender:	F		0.2%	\$2,932	< 1%
Contact Name/No.	Alexis Dicus, 714.740.2343	NAICS:					Graphic design & document production
Name	SH&E, Inc. / ICF	Group:	OBE				
Address	One Main Street	Ethnicity:		X		\$1,923,672	34%
City/State/Zip	Cambridge, MA 02142	Gender:					Economic forecasting
Contact Name/No.	Peter Stumpp, 617.218.3522	NAICS:					
Name	Jones & Stokes, Inc. / ICF	Group:	OBE				
Address	811 West 7 <sup>th</sup> Street, Suite 800	Ethnicity:		X		\$217,161	4%
City/State/Zip	Los Angeles, CA 90017	Gender:			3%		NEPA & CEQA analysis; local office for team
Contact Name/No.	Bob Stark, 858.578.8964	NAICS:					
Name	Mead & Hunt, Inc.	Group:	OBE				
Address	133 Aviation Boulevard	Ethnicity:		X		\$1,663	< 1%
City/State/Zip	Santa Rosa, CA 94503	Gender:			< 1%		Land use planning
Contact Name/No.	Mike McClintock, 707.526.5010	NAICS:					

NOTE THAT THIS FORM MUST BE SIGNED BY THE PRIME CONTRACTOR

## \* Profile Information:

Use appropriate classification from list below:

- Group – MBE, WBE, DBE, OBE, ACDBE
- Ethnicity – Asian, Black, Caucasian, Hispanic, Native American
- Gender – Female, Male
- NAICS – North American Industry Classification System


 Prime Contractor Contact Name, Tel No./Email

 Linda A. Fitch, VP/Treasurer  
 781.229.0707  
 lfitch@hmmh.com

Signature