

DISCUSSION:

1. Prior Related Actions

On February 18, 2003, the Board of Airport Commissioners (BOAC) adopted Resolution 21975, authorizing LAWA to advertise and issue a Request for Proposals (RFP) to qualified firms for consultant services to perform the two separate and complete FAR Part 161 Studies for LAX and VNY.

In November 1990, Congress enacted the Airport Noise and Capacity Act of 1990 (ANCA). This law preempted the ability of airport proprietors to implement any noise and access restrictions, and directed the Federal Aviation Administration (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. A Part 161 study is the specified process and reports required to justify an FAA waiver of the federal preemption, thus allowing an airport proprietor to implement a noise and access restriction on aircraft operations at an airport.

The goal of the LAX Study is to prohibit the easterly departure of all aircraft, with certain exceptions, from the airport during the hours of 12:00 midnight and 6:30 a.m. when LAX is operating in either Over-Ocean Operations or remains in Westerly Operations during these hours.

The goal of the VNY Study is to implement seven (7) Noise Control Measures identified as requiring a Part 161 Study in the Noise Compatibility Program of the VNY FAR Part 150 Study (Part 150) dated August 2001. A Part 150 is a voluntary program for airports to plan for nearby land use that is compatible with airport operations, and to eliminate incompatible land uses within an airport's 65 dB noise contour. Incompatible land uses are defined as residences, public and private schools, hospitals and convalescent homes, and houses of worship located within the airport's 65 dB contour. Airports that participate in the FAA's Part 150 program can apply for federal funding to implement land use compatibility programs such as residential sound insulation and land acquisition/recycling.

On June 27, 2003 the RFP was released with a due date of September 5, 2003. The RFP was posted on the Los Angeles Business Advisory Network website (www.labavn.org). Notice of the RFP's availability were posted for one week each (including weekends) in the *Los Angeles Times*, *South Bay Daily Breeze*, *Los Angeles Daily News*, *Los Angeles Sentinel*, and the *American Association of Airport Executives (AAAE) Airport Report* newsletter. The *Airport Noise Report*, a nationwide weekly industry newsletter, also ran an article on the RFP's release in its July 1, 2003 edition.

On August 6, 2003 the Pre-Proposal Conference was held in the Samuel Greenberg Board Room. The Conference was attended by 20 persons representing 17 firms. Of these 17 firms, 10 identified themselves as M/W/DBE businesses.

On August 28, 2003, an addendum to the RFP was released to correct information that was released at the Pre-Proposal Conference, and the submittal date was extended to September 19, 2003.

Three firms submitted four proposals as Prime Contractors in compliance with the September 19th

deadline. These firms are:

- ◆ Harris Miller Miller & Hanson, Inc of Burlington, MA, submitted one proposal to perform both the LAX and VNY studies;
- ◆ Ricondo & Associates of Chicago, IL, submitted one proposal to perform both the LAX and VNY studies; and
- ◆ Landrum & Brown, Inc. of Cincinnati, OH, submitted two separate proposals, one to perform the LAX study, and a second proposal to perform the VNY study.

LAWA's Procurement Services Division (PSD) reviewed the proposals for compliance with the established Administrative Requirements. All four proposals were judged to be Responsive by PSD pursuant to their review.

LAWA's Technical Review Team reviewed the technical portion of the proposals. All four proposals were considered to be in compliance with the RFP's Minimum Qualifications.

All of the proposing teams were invited to Oral Interviews to make presentations to the Evaluation Committee on February 26, 2004 in the Board Briefing Room. All three teams appeared and made their presentations.

2. Current Action

The Evaluation Committee was comprised of the following LAWA staff:

- ◆ Michael DiGirolamo, Deputy Executive Director
- ◆ Selena Birk, VNY Airport Manager
- ◆ M. Lynn Mayo, Deputy City Attorney
- ◆ Dennis Quilliam, City Planner
- ◆ Kathryn Pantoja, Environmental Supervisor II
- ◆ Scott Tatro, Environmental Supervisor II
- ◆ Robert Holden, Environmental Supervisor II (Project Administrator).

The Evaluation Committee based its decision on the following selection criteria:

1. Experience of the Proposer as a firm;
2. Experience and qualifications of personnel;
3. Past Performance on contracts of similar size and scope;
4. Performance on contracts with the City in the past 10 years;
5. Quality and responsiveness of the Proposer;
6. Organization's financial stability;
7. Quality assurance guarantees and estimated time frame;
8. Additional criteria specific to the RFP; and
9. Proposed level of fees-best overall value.

The Evaluation Committee's assessment of the consulting teams, based on the above mentioned selection criteria, review of the Proposals, and the results of the oral interviews has determined that the four consulting teams finished in the following order:

1. Harris Miller Miller & Hanson, Inc.;

2. Ricondo & Associates;
3. Landrum & Brown, Inc. – VNY; and
4. Landrum & Brown, Inc. – LAX.

The three prime consultants were notified via telephone and US Mail of the selection, that this item will be placed on the agenda for the June 21, 2004 BOAC meeting, and invited to attend the meeting.

The Evaluation Committee recommends that the BOAC select the consulting team led by Harris Miller Miller & Hanson, Inc. to perform both the LAX and VNY Part 161 Studies.

3. Alternatives Considered

There are no alternatives to performing the Part 161 Studies at LAX and VNY if LAWA wishes to implement the Proposed Restriction at LAX, and the seven (7) Proposed Restrictions at VNY. The Airport Noise and Capacity Act of 1990 (ANCA) is a federal law that preempted the ability of airport proprietors to implement Noise and Access Restrictions at an airport without the approval of the FAA. The FAA has enacted regulations that specify the process, required reports and analyses that must be performed by LAWA to prove to the FAA that the Proposed Restrictions on Stage 3 aircraft at LAX and VNY comply with the following statutory conditions of ANCA:

1. The Proposed Restriction(s) are reasonable, nonarbitrary and nondiscriminatory.
2. The Proposed Restriction(s) would not create an undue burden on interstate or foreign commerce.
3. The Proposed Restriction(s) would maintain safe and efficient use of navigable airspace.
4. The Proposed Restriction(s) would not conflict with any existing federal statute or regulation.
5. LAWA has provided adequate opportunity for public comment on the Proposed Restriction(s).
6. The Proposed Restriction(s) does/do not create an undue burden on the national aviation system.

Stage 3 aircraft are jets that are the newer, quieter jets with a maximum weight of greater than 75,000 lbs. that meet the Stage 3 noise levels in FAR Part 36. Examples of Stage 3 jets operating at LAX are newer Boeing (B) 747's, B757, B767, B777, DC-10, MD-11, aircraft in the Airbus fleet, and hushkitted/retrofitted B727's. Examples of Stage 3 aircraft operating at VNY are the Gulfstream IV and V, Cessna Citation X's and the Lear 60.

The provisions of ANCA allow LAWA to implement a Proposed Restriction on Stage 2 aircraft without FAA approval so long as it analyzes the effects of the Proposed Restriction and publishes notice of the Proposed Restriction pursuant to the regulations. Stage 2 aircraft are older, noisier jets such that meet the FAR Part 32 Stage 2 noise standards but do not meet the FAR Part 36 Stage 3 noise levels such as the Gulfstream II, and the Lear 24's & 25's. Stage 2 aircraft are not permitted to operate at LAX, but can operate at VNY

4. Economics and Cost Implications

LAWA cannot implement the Proposed Restrictions at LAX and VNY without FAA approval. If LAWA were to do so, we would be in violation of ANCA. Penalties for violations of ANCA would result in LAWA becoming ineligible for FAA Airport Improvement Program (AIP) Grants, and the

FAA would revoke LAWA's authority to collect and use Passenger Facility Charges (PFC's).

FISCAL IMPACT STATEMENT:

No funds are required at this time.

STANDARD PROVISIONS:

1. This action, as a continuing administrative activity, is exempt from the requirements of the California Environmental Quality Act ("CEQA") as provided by Article II, Section 2 (f) of the Los Angeles CEQA Guidelines.
2. Harris Miller Miller & Hanson, Inc. will comply with the provisions of the Living Wage/Service Contract Worker Retention Ordinances.
3. Procurement Services has reviewed this item and established a 25% Minority/Women Business Enterprise level for this project. Harris Miller Miller & Hanson, Inc. proposes 25.7% combined M/WBE levels of participation. Procurement Services confirms that based on documents submitted, Harris Miller Miller & Hanson, Inc. has made a good faith effort outreach to MBE/WBE/OBE subcontractors.
4. Harris Miller Miller & Hanson, Inc. has submitted an Affirmative Action Plan and will comply with the provisions of the Affirmative Action Program.
5. Harris Miller Miller & Hanson, Inc. has been assigned Business Tax Registration Certificate No. 591907-13.
6. Harris Miller Miller & Hanson, Inc. has submitted the Certification of Compliance with Child Support Obligations and will comply with the provisions of the Child Support Program.
7. Harris Miller Miller & Hanson, Inc. will have approved insurance documents, in the terms and amounts required, on file with the City of Los Angeles.
8. Pursuant to Los Angeles City Charter Section 1022 (Use of Independent Contractors), the Board has determined that the Part 161 consulting services can be performed more economically or feasibly by an independent contractor than by City employees.
9. The City Attorney approved the Request for Proposals as to form.
10. Action taken on this item will become final pursuant to the provisions of Los Angeles City Charter Section 245.
11. Harris Miller Miller & Hanson, Inc. has submitted the Contractor Responsibility Program Questionnaire and Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Program.



RESOLUTION NO. 22435

WHEREAS, on recommendation of Management, there was presented for approval, authorization for the Executive Director to negotiate a Contract with the consulting team lead by Harris Miller Miller and Hanson, Inc. (HMMH) to conduct both the Los Angeles International Airport (LAX) and Van Nuys Airport (VNY) Federal Aviation Regulations (FAR) Part 161 studies; and

WHEREAS, on February 18, 2003, the Board of Airport Commissioners (BOAC) adopted Resolution 21975, authorizing LAWA to advertise and issue a Request for Proposals (RFP) to qualified firms for consultant services to perform the two separate and complete FAR Part 161 Studies for LAX and VNY; and

WHEREAS, in November 1990, Congress enacted the Airport Noise and Capacity Act of 1990 (ANCA). This law preempted the ability of airport proprietors to implement any noise and access restrictions, and directed the Federal Aviation Administration (FAA) to establish a national program to review noise and access restriction 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. A Part 161 study is the specified process and reports required to justify an FAA waiver of the federal preemption, thus allowing an airport proprietor to implement a noise and access restriction on aircraft operations at an airport; and

WHEREAS, the goal of the LAX Study is to prohibit the easterly departure of all aircraft, with certain exceptions, from the airport during the hours of 12:00 midnight and 6:30 a.m. when LAX is operating in either Over-Ocean Operations or remains in Westerly Operations during these hours; and

WHEREAS, the goal of the VNY Study is to implement seven (7) Noise Control Measures identified as requiring a Part 161 Study in the Noise Compatibility Program of the VNY FAR Part 150 Study dated August 2001. A Part 150 is a voluntary program for airport to plan for nearby land use that is compatible with airport operations, and to eliminate incompatible land uses within an airport's 65 db noise contour. Incompatible land uses are defined as residences, public and private schools, hospitals and convalescent homes, and houses of worship located within the airport's 65 db contour. Airports that participate in the FAA's Part 150 Program can apply for federal funding to implement land use compatibility programs such as residential sound insulation and land acquisition/recycling; and

WHEREAS, on June 27, 2003 the RFP was released with a due date of September 5, 2003. The RFP was posted on the Los Angeles Business Advisory Network website (www.labavn.org). Notice of the RFP's availability were posted for one week each (including weekends) in the *Los Angeles Times*, *South Bay Daily Breeze*, *Los Angeles Daily News*, *Los Angeles Sentinel*, and the *American Association of Airport Executives (AAAE) Airport Report* newsletter. The *Airport Noise Report*, a nationwide weekly industry newsletter, also ran an article on the RFP's release in its July 1, 2003 edition; and

WHEREAS, three firms submitted four proposals as Prime Contractors in compliance with the submittal date of September 19th deadline. These firms are:

- ◆ Harris Miller Miller & Hanson, Inc of Burlington, MA, submitted one proposal to perform both the LAX and VNY studies;
- ◆ Ricondo & Associates of Chicago, IL, submitted one proposal to perform both the LAX and VNY studies; and

LAX
 Ontario
 Van Nuys
 Palmdale

 City of Los Angeles
 James K. Hahn
 Mayor

 Board of Airport
 Commissioners
 Cheryl K. Petersen
 Vice President

 Miguel Contreras
 Juan J. Llorens
 Armando Vergara, Sr.
 Peter M. Weil

 Kim Day
 Interim Executive Director

- ◆ Landrum & Brown, Inc. of Cincinnati, OH, submitted two separate proposals, one to perform the LAX study, and a second proposal to perform the VNY study; and

WHEREAS, all of the proposing teams were invited to Oral Interviews to make presentations to the Evaluation Committee:

- ◆ Michael DiGirolamo, Deputy Executive Director;
- ◆ Selena Birk, VNY Airport Manager;
- ◆ M. Lynn Mayo, Deputy City Attorney;
- ◆ Dennis Quilliam, City Planner;
- ◆ Kathryn Pantoja, Environmental Supervisor II;
- ◆ Scott Tatro, Environmental Supervisor II;
- ◆ Robert Holden, Environmental Supervisor II (Project Administrator); and

WHEREAS, the Evaluation Committee based its decision on the following selection criteria:

1. Experience of the Proposer as a firm;
2. Experience and qualifications of personnel;
3. Past Performance on contracts of similar size and scope;
4. Performance on contracts with the City in the past 10 years;
5. Quality and responsiveness of the Proposer;
6. Organization's financial stability;
7. Quality assurance guarantees and estimated time frame;
8. Additional criteria specific to the RFP; and
9. Proposed level of fees-best overall value; and

WHEREAS, the Evaluation Committee's assessment of the consulting teams, based on the above mentioned selection criteria, review of the Proposals, and the results of the oral interviews has determined that the four consulting teams finished in the following order:

1. Harris Miller Miller & Hanson, Inc.;
2. Ricondo & Associates;
3. Landrum & Brown, Inc. – VNY; and
4. Landrum & Brown, Inc. – LAX; and

WHEREAS, this action, as a continuing administrative activity, is exempt from the requirements of the California Environmental Quality Act (CEQA) as provided by Article II, Section 2(f) of the Los Angeles City CEQA Guidelines; and

WHEREAS, Harris Miller Miller & Hanson, Inc. will comply with the provisions of the Living Wage/Service Contract Worker Retention Ordinances; and

WHEREAS, Procurement Services has reviewed this item and established a 25% Minority/Women Business Enterprise level for this project. Harris Miller Miller & Hanson, Inc. proposes 25.7% combined M/WBE levels of participation. Procurement Services confirms that based on documents submitted, Harris Miller Miller & Hanson, Inc. has made a good faith effort outreach to MBE/WBE/OBE subcontractors; and

WHEREAS, Harris Miller Miller & Hanson, Inc. has submitted an Affirmative Action Plan and will comply with the provisions of the Affirmative Action Program; and

WHEREAS, Harris Miller Miller & Hanson, Inc. has been assigned Business Tax Registration Certificate No. 591907-13; and

WHEREAS, Harris Miller Miller & Hanson, Inc. has submitted the Certification of Compliance with Child Support Obligations and will comply with the provisions of the Child Support Program; and

WHEREAS, Harris Miller Miller & Hanson, Inc. will have approved insurance documents, in the terms and amounts required, on file with the City of Los Angeles; and

WHEREAS, pursuant to Los Angeles City Charter Section 1022 (Use of Independent Contractors), the Board has determined that the Part 161 consulting services can be performed more economically or feasibly by an independent contractor than by City employees; and

WHEREAS, Harris Miller Miller & Hanson, Inc. has submitted the Contractor Responsibility Program Questionnaire and Pledge of Compliance and will comply with the provisions of the Contractor Responsibility Program; and

WHEREAS, action taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 245;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners determined that this action is exempt from CEQA requirements, adopted the Staff Report, found that this work can be performed more economically or feasibly by an independent contractor than by City employees, concurred with staff's recommendation to select HMMH as the best-qualified firm to perform the Part 161 Studies for LAX and VNY, and authorized the Executive Director to negotiate a Contract with HMMH to perform both the LAX and VNY Part 161 Studies.

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I hereby certify that the foregoing is a true and correct copy of Resolution No. 22435 adopted by the Board of Airport Commissioners at a Regular Meeting held Monday, July 19, 2004.



Sandra J. Miller- Secretary
BOARD OF AIRPORT COMMISSIONERS