

AGENDA REPORT

Resolution: Approval of a Professional Services Agreement with Michael R. McClintock & Co. to Provide Forum Facilitator and Administrative Services to the Oakland Airport/Community Noise Management Forum for Five Years, Fiscal Year 2017-2018 through 2021-2022, for an Amount Not to Exceed \$250,000. **(Aviation)**

MEETING DATE: 6/8/2017

AMOUNT: \$250,000 (Total for 5 Years)
Operating Expense

PARTIES INVOLVED: Michael R. McClintock & Co., Mount Vernon, WA
Michael R. McClintock

SUBMITTED BY: Bryant L. Francis C.M., Director of Aviation

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

Approval of a Professional Services Agreement with Michael R. McClintock & Co. to provide forum facilitator and administrative services to the Oakland Airport/Community Noise Management Forum for a period of five years for an amount not to exceed \$250,000, and authorization for the Executive Director to execute all documents as may be appropriate to consummate this transaction. The funding is contained in the Fiscal Year 2018 Airport's Operating Budget and is paid for through airline rates and charges.

BACKGROUND

The Port of Oakland (the "Port") established the Oakland Airport/Community Noise Management Noise Forum (the "Noise Forum") in 1998 to provide a committee comprised of elected officials and citizen representatives to address aircraft noise issues related to the Oakland International Airport ("OAK"). With representation from the County of Alameda, as well as the cities of Alameda, Berkeley, Hayward, Oakland, San Leandro, and Union City, the Noise Forum serves as an advisory committee to the Port's Executive Director, holds quarterly meetings, and continues to be an effective and valuable forum to address community aircraft noise and air quality concerns, and promote positive community relations regarding airport noise and air quality issues. The Noise Forum has had an independent, impartial facilitator since its inception in 1998.

The Noise Forum was nationally recognized in 2006 as the recipient of the Mary E. Griffin Airport Operator of the Year Award given by the National Organization to Insure a Sound Controlled Environment (N.O.I.S.E.). The Noise Forum facilitator and administrative services consultant is available to the Noise Forum and is primarily responsible for ensuring that meetings are conducted in an orderly fashion, that transcripts of the meetings are generated, and that all documentation necessary for the meetings are produced and distributed to appropriate individuals. The facilitator develops ways to improve participation by the airlines/aircraft operators at Noise Forum meetings and improve the meeting format and composition. The facilitator may be called upon to facilitate other meetings as needed. The facilitator also provides support for work not currently before the Noise Forum, but that may be added during the contract period. The facilitator is responsive to the Noise Forum, demonstrates impartiality, and to avoid conflict of interest, should not be a Port staff person. This professional consulting service is essential to the on-going success of the Noise Forum.

On February 15, 2017, due to the upcoming expiration of the existing contract on June 30, 2017, the Port issued a Request for Proposal for Forum Facilitator and Administrative Services. The proposal submission deadline was March 16, 2017. In addition to posting on the Port and Airport websites and on national publications, advertising included extensive outreach. Two (2) responses were received. A selection committee comprised of Port Aviation Division staff and one of the Noise Forum co-chairs evaluated the proposals based on the following criteria: company qualifications, staff experience, knowledge in working with communities and airports on aviation noise control issues, and cost proposal. Members of the selection committee agreed that Michael R. McClintock & Co. would be able to perform the required duties and the cost was consistent with the Port's expectations for the scope of work. In addition to the selection committee, the Social Responsibility Division performed an evaluation on each proposer to determine local/small business certification eligibility.

After review and analysis, Michael R. McClintock & Co. was the highest ranking firm for the Noise Forum facilitator and administrative services consultant.

Noise Management Forum Facilitator, Firms	Ranking
Michael R. McClintock & Co.	1
Freshtrack Communications	2

ANALYSIS

The selected consultant currently serves as the Noise Forum facilitator (although under a sub-contract to a different company) and this experience with Oakland-specific issues will help ensure not only that agendas adequately capture current issues but that meetings are also conducted in an orderly fashion while still allowing members of the community the opportunity to effectively communicate with the Noise Forum. The facilitator will primarily interact with Noise Forum members during meetings to discuss noise issues and offer suggestions on the issues to help Noise Forum members identify possible methods to

achieving solutions. The facilitator will collect, correlate and disseminate any correspondence that is received from the community during the period between meeting. The facilitator will develop ways to improve participation by the airlines/aircraft operators at Noise Forum meetings and continually evaluate how to improve the meeting format and composition. The facilitator may be called upon to facilitate other meetings as needed. The facilitator will prepare written materials such as prep materials, agendas packets, meeting recaps, letters, memorandums, and various reports. This facilitator will also provide support for work not currently before the Noise Forum, but that may be added during the contract period. The facilitator shall be responsive to the Noise Forum and demonstrate impartiality.

Facilitation of these types of community forums with expertise in aviation noise concerns is limited to a few dozen airports in the US, thus there is limited competition. Receiving two submissions in spite of broad advertising is not unusual. Michael R. McClintock & Co. has 19 years of experience facilitating public forums. He has more than 30 years of experience in the aviation industry, with experience working in the public sector. It is believed that Mr. McClintock's experience will not only provide continuity during a period of high-community involvement created due to FAA flight procedure changes but is also advantageous long-term in ensuring meetings will maximize participation of the community and Noise Forum members. This experience will also help Mr. McClintock quickly understand and address issues brought up during Noise Forum meetings which will enable him to very effectively drive conversations towards resolution.

BUDGET & STAFFING

The total contract expenses for the professional services agreement for Fiscal Year 2018 through Fiscal Year 2022 will not exceed \$250,000 and have been included in the proposed Fiscal Year 2018 operating budget. These costs are recoverable through airline rates and charges. There is no staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The professional services performed under this contract is not within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply to this work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan:

(<http://www.portoakland.com/pdf/about/strategicPlan2011-2015.pdf>)

- Goal B: Objective 1: Promote effective strategic communications with Port customers
- Goal G: Objective 5: Develop effective relationships with regulatory and resource agencies

- Goal K: Objective 1: Develop a strategic and comprehensive communications plan which reaches out to a wide range of internal and external stakeholders and incorporates state-of-the-art practices and technology

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to the services under this item, as the service providers will not employ 21 or more employees on Port-related work. However, the service provider will be required to certify that should living wage obligations become applicable, the service provider shall comply with the Living Wage Regulations.

ENVIRONMENTAL

CEQA Determination:

The California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) ("the general rule") states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Executing the professional services agreement with Michael R. McClintock & Co. to provide forum facilitator and administrative services will not have a significant effect on the environment, and therefore, is not a project under CEQA. No further environmental review is required.

GENERAL PLAN

This project is for professional services and will not directly include any alteration of property. Development projects that result from these professional services will be subject to separate findings of conformity with the City of Oakland General Plan in accordance with Section 727 of the Charter.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

The Owner Controlled Insurance Program (OCIP) does not apply to the matters addressed in the Agenda Report as they are not capital improvement construction projects.

OPTIONS

1. Approve the proposed Professional Services Agreement with Michael R. McClintock & Co. to provide forum facilitator and administrative services to the Oakland Airport/Community Noise Management Forum for five years for an amount not to exceed \$250,000.
2. Do not approve the proposed Professional Service Agreements with Michael R. McClintock & Co. to provide forum facilitator and administrative services to the

Oakland Airport/Community Noise Management Forum. If not approved, the Forum would cease to have a Facilitator and meetings would be difficult to properly continue and would result in a significant negative impact on the Airport Noise Management Program. Possible results may include unresolved community noise issues that could eventually lead to costly noise litigation.

3. Direct staff to negotiate alternative terms for the proposed Professional Services Agreement with Michael R. McClintock & Co., which, depending on the nature of the alternative terms, may prove to be unacceptable to Michael R. McClintock & Co.

RECOMMENDATION

Staff recommends that the Board approve a Professional Services Agreement with Michael R. McClintock & Co., subject to the terms and conditions as described within this Agenda Report, and authorize the Executive Director to execute all documents as may be appropriate to consummate this transaction, subject to the Port Attorney's approval as to form and legality.