

AGENDA REPORT

Resolution: Approve and Authorize the Executive Director to Execute a Professional Services Agreement with Harris Miller Miller & Hanson Inc. to Provide Aviation Noise Consulting Services to the Airport's Noise Abatement and Environmental Affairs Office for Five Years, Fiscal Year 2020 through 2024, for an Amount Not to Exceed \$1,150,000. (Aviation)

MEETING DATE: 7/25/2019

AMOUNT: \$1,150,000 (Five Years Total Operating Expense)
Choose an item.

PARTIES INVOLVED: Harris Miller Miller & Hanson Inc., Roseville, CA
Eugene M. Reindel

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

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Resolution

EXECUTIVE SUMMARY

This action seeks Board approval of a Professional Services Agreement with Harris Miller Miller & Hanson Inc. to provide aviation noise consulting services to the Airport's Noise Abatement and Environmental Affairs Office for a period of five years for an amount not to exceed \$1,150,000, and authorization for the Executive Director to execute all documents as may be appropriate to consummate this transaction. These costs are included in Aviation's operating budget and are reimbursable through airline rates and charges.

BACKGROUND

The Noise Abatement and Environmental Affairs Office ("Noise Office") in the Aviation Division is responsible for managing Oakland International Airport's ("OAK") aircraft noise abatement program. The Port of Oakland (the "Port") is subject to various State and federal aviation noise regulations, as well as settlement agreements with local communities and citizen organizations. These agreements and regulations require the Port to address specific noise issues at the Airport and to develop noise abatement reports such as the CA State Title 21 reports. In addition, Port staff continually works with communities to educate residents and to develop mitigation strategies, often in conjunction with aircraft operators and the Federal Aviation Administration ("FAA").

Although the Noise Office performs numerous functions in support of noise-related issues, it does not maintain the full capability to perform some of the more technical acoustical planning, modeling, and reporting. Functions such as development of technical reports used for community and FAA engagement and for forecasting noise issues based on prospective flight tracks are also unable to be performed by staff. In addition, as part of our continuing efforts to reduce noise impacts, Noise Office staff has become increasingly engaged at a very technical level with FAA personnel, which requires expertise to analyze technical issues to ensure a full understanding of impacts of current and proposed flight routes. Thus, the Port has used, and continues to require, the expertise and support of professional services for aviation-related acoustical services. Examples of functions that consultants have and are expected to perform include the following:

- Review aircraft operations and noise data and produce the Annual CNEL Noise Contour for quarterly submission to the State of California Division of Aeronautics and Alameda County Planning Department under Title 21.
- Provide noise and computer software development expertise relating to the operation of a Noise and Operations Management System (“NOMS”).
- Use communications technology and access to NOMS system databases to provide on-going, routine noise abatement office support.
- Develop computer software programming to further enhance the Noise Office productivity through advanced system integration and software functionality.
- Provide noise expertise at public meetings, including the North and South Field Research Groups and the Oakland Airport/Community Noise Management Forum.
- Perform special aircraft operations noise analysis tasks in support of on-going noise abatement program requirements.

The existing contract for Aviation Noise Consulting Services was awarded to Harris Miller Miller & Hanson Inc. (“HMMH”) in September 2012 and is in effect until September 3, 2019.

On March 6, 2019, the Port issued a Request for Proposal for Aviation Noise Consulting Services. The proposal submission deadline was April 11, 2019. In addition to posting on the Port and Airport websites and in national publications, advertising included extensive outreach to industry-specific groups that staff believed were the most likely to possess the capabilities to bid on this type of work.

Despite this outreach, only one response, from HMMH, was received. There are only a few firms that provide this highly-specialized work that includes expertise on aircraft noise, aircraft performance and capabilities, Air Traffic Control requirements, FAA Next-Generation initiatives, and understanding of community outreach strategies related to aircraft noise. Of the firms, only a subset tend to propose on on-call and community noise forum related work versus airport project related noise work and firms may be busy at any given period depending on overall work load which is substantial at this time given the large number of airport capital programs nationwide.

ANALYSIS

Although only one response was received, a selection committee comprised of three Port Aviation Division staff and one Social Responsibility Division (“SRD”) representative evaluated the proposal based on the following criteria, to ensure it demonstrated the firm’s ability to provide high-quality services for the Port at a price consistent with our expectations: company qualifications, experience, knowledge in working with communities and airports on aviation noise control issues, price, SRD awarded points, and compliance with Port policies. All members of the selection committee agreed that HMMH would be able to perform the required duties with significant expertise, experience, and a demonstrated quality track record and that the cost was reasonable based on current costs. They also generally agreed that HMMH has an extensive depth of technical professionals that will be able to assist OAK with needed analysis, modeling, and real-world solutions in managing aviation noise.

HMMH, which, as stated above, is the current firm used by staff, has provided excellent support to the on-going technical acoustical work performed by the Aviation Division's Noise Office, and, beyond regulatory reporting requirements, has been especially critical as a resource since the inception of the FAA’s Next Generation, satellite-based, flight tracks in 2015, which have created numerous new issues for communities throughout the Bay Area as well as across the nation.

BUDGET & STAFFING

The proposed action does not have any direct impact to staffing as this contract would support staff currently employed by the Port.

OAK budgets for this service and recovers the cost through airline rates and charges. The FY20 proposed budget for this service is \$230,000 and the total cost of the contract over the five-year term is \$1,150,000.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) does not apply because this contract is for professional services that are not within the craft jurisdiction of the unions signatory to the MAPLA.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port’s Strategic Business Plan (2018-2022).

- Goal: Improve Customer Service
- Goal: Serve Our Community
- Goal: Care for Our Environment

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.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that present sustainability opportunities.

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 HMMH to perform aviation-related acoustical services including the generation of the CA Title 21 Noise Report will not have a significant effect on the environment, and therefore, is not a project under CEQA. No further environmental review is required.

Environmental Compliance

This project will assist the Port in keeping compliant with California State Title 21 Noise Regulations.

Mitigation

This project will not have any significant impacts to the environment; therefore, no mitigation measures are required.

Related Plans and Policies

This project does not require mitigation measures; therefore, there are no related or adopted plans for this project.

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)

Professional service agreements are not subject to the Port's Owner Controlled Insurance Program (OCIP) as professional services are not capital improvement construction projects.

OPTIONS

1. Approve the proposed Professional Services Agreement with Harris Miller Miller & Hanson Inc. to provide aviation noise consulting services to the Airport's Noise Abatement and Environmental Affairs Office for five years for an amount not to exceed \$1,150,000.
2. Do not approve the proposed Professional Service Agreements with Harris Miller Miller & Hanson Inc. to provide aviation noise consulting to the Airport's Noise and Environmental Compliance Office. If not approved, the Port would lose needed technical resources that could have a negative impact on the Airport Noise Management Program. Possible results may include increased noise complaints and unresolved community noise issues that could eventually lead to community opposition to Airport activity and litigation.

RECOMMENDATION

Staff recommends that the Board approve a Professional Services Agreement with Harris Miller Miller & Hanson Inc. to Provide Aviation Noise Consulting Services to the Airport's Noise Abatement and Environmental Affairs Office for Five Years, Fiscal Year 2020 through 2024, for an Amount Not to Exceed \$1,150,000, 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.