



Los Angeles World Airports

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BOARD OF AIRPORT COMMISSIONERS

APPROVED BY: _____ <i>[Signature]</i> Division Head	Meeting Date: March 3, 2008
REVIEWED BY: _____ <i>[Signature]</i> Deputy Executive Director	CAO Review <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Pending <input type="checkbox"/> N/A
CITY ATTORNEY: _____ <i>[Signature]</i>	Reviewed by:
EXECUTIVE DIRECTOR: _____ <i>[Signature]</i>	Budget <u>1/9/08</u> RW Environmental Mgt. <u>12/21/07</u> AE Contract Services <u>1/4/08</u> EW

SUBJECT:
Contract Amendment

First Amendment to Contract No. DA-4020 with HARRIS MILLER MILLER & HANSON INC. to Amend Contract Scope-of-Work, Extend Contract Term an Additional Three Years, and Add Funds to Contract Amount for the LOS ANGELES INTERNATIONAL AIRPORT and VAN NUYS AIRPORT PART 161 STUDIES for an additional \$1,931,124

RECOMMENDATION:

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the staff report.
2. DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA), pursuant to Article II, Section 2.(f) of the Los Angeles City CEQA Guidelines.
3. FIND that this work can be performed more economically or feasibly by an independent contractor than by City employees.
4. APPROVE the First Amendment to Contract No. DA-4020 with Harris Miller Miller & Hanson Inc. adding three years to the term of the contract, expanding the contract scope-of-work, and increasing the contract amount by \$1,931,124 to a contract total of \$8,413,209 for consulting services for the Part 161 Studies at Los Angeles International Airport (LAX) and Van Nuys Airports (VNY).
5. AUTHORIZE the Executive Director to execute the First Amendment to Contract DA-4020 after approval by the City Council, and approval as to form by the City Attorney.

DISCUSSION:

1. Executive Summary

This action seeks approval to amend contract DA-4020 with the consulting firm Harris Miller Miller & Hanson Inc. (HMMH), expand the scope-of-work of the contract, extend the term of the contract an additional three years, and increase the contract amount by an additional \$1,931,124.

This contract amendment will allow the consulting team led by HMMH the additional time and funds needed to complete the LAX and VNY Part 161 Studies.

The additional time and funds for the VNY Part 161 Study are due to the additional scope-of-work items added to the project by City Council approval of the VNY Master Plan; the Board of Airport Commissioners (BOAC) directive that Los Angeles World Airports (LAWA) pursue the "dual track" method for phasing out Stage-2 aircraft from VNY through both Part 161 process and the "Grandfathered" Stage-2 phase-out ordinance.

The additional time and funds for the LAX Part 161 Study are necessary due to LAWA Executive Staff directives regarding this project. These directives include redoing the modeling and analyses already performed for the project to comply with the requirement to use new baseline and projected fleet mix forecast developed for the LAX Specific Plan Amendment Study; and translating all documents produced for the project into Spanish.

This contract amendment is needed as the additional work to complete the LAX and VNY Part 161 Studies will take longer than the original three-year term of Contract DA-4020, which expires on April 19, 2008.

2. Prior Related Actions

In November 1990, Congress enacted the Airport Noise and Capacity Act (ANCA). This law preempted the ability of airport proprietors to implement any noise and access restrictions at their airports without FAA approval. However, ANCA's "grandfathering" provision does allow noise and access restrictions on Stage 2 aircraft proposed or enacted before ANCA's effective date to be implemented by an airport proprietor without Federal Aviation Administration (FAA) approval. ANCA also directed 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 (also known as the Federal Aviation Regulations, or FAR). The LAX and VNY Part 161 studies are the specified processes and reports required to justify the FAA waiver of the federal preemption. FAA approval of LAWA's Part 161 Studies would allow LAWA to implement the proposed noise and access restrictions on aircraft operations at LAX and VNY.

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 the two separate and complete FAR Part 161 Studies for LAX and VNY.

The BOAC approved goal of the LAX Part 161 Study is to gain FAA approval to prohibit 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

during these hours. The proposed restriction will not be in effect during those times when LAX is operating in Easterly Operations.

The BOAC approved goal of the VNY Part 161 Study is to obtain FAA approval 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. The specific proposed noise restrictions include:

1. Incentives / disincentives in rental rates;
2. Incentives / disincentives in landing fees;
3. Mandatory Fly Friendly Program with fines;
4. Maximum 77 dBA daytime noise limit;
5. Limit number of based Stage 3 jets;
6. Non-emergency jet and helicopter curfew; and
7. Cap or phase out the VNY helicopter fleet.

On July 19, 2004, the BOAC adopted Resolution 22435 selecting the HMMH consulting team 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 the budget authority for this contract not to exceed \$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.

In October 2005 the City Council approved the VNY Master Plan. With this approval the City Council added a number of proposed noise and access restrictions for LAWA to include in the VNY Part 161 Study. While several of the City Council added proposed restrictions were identical to the original BOAC approved proposed restrictions, three were new restrictions. The additional proposed restrictions include:

- Phase-out Stage 2 aircraft in the shortest possible time via the Part 161 Study process;
- Eliminate all jet and helicopter operations between the hours of 10:00 p.m. and 7:00 a.m.; and
- Extend the ending hours of the existing VNY curfew from 7:00 a.m. to 9:00 a.m. on Saturdays, Sundays and holidays.

On April 17, 2006 BOAC adopted Resolution 22980, which readopted Resolution 17154 originally enacted June 13, 1990, regarding the seven-year phase out of the older, noisier Stage 2 aircraft from VNY. Resolution 22980 also directed the Executive Director to report on LAWA's plan for pursuing the "grandfathered" phase out independent of the Part 161 Study; the status of the VNY Part 161 Study; and the status of VNY noise regulations originally adopted in Resolution 17154. Resolution 22980 also directed the City Attorney to advise BOAC and the Executive Director on the relationship of these actions to the US Court of Appeals decision regarding the Naples (FL) Airport's Part 161 Study.

On July 17, 2006 LAWA staff provided the status reports required by Resolution 22980 to the BOAC, and advised BOAC of their options with respect to phasing out Stage 2 aircraft from VNY. BOAC then directed the Executive Director to pursue the "dual track" approach for phasing-out Stage 2 aircraft via both the Part 161 process and with the "ANCA grandfathered" Stage 2 Aircraft Phase-out Ordinance.

On August 20, 2007 BOAC adopted Resolution 23390, approving LAWA suggested amendments to the "ANCA grandfathered" VNY Stage 2 Aircraft Phase-out Ordinance.

3. Current Action

This action authorizes the Executive Director to execute the first amendment to Contract DA-4020 with the consulting team led by HMMH to complete the expanded LAX and VNY Part 161 Studies, and perform the work necessary to implement the VNY Stage 2 Aircraft Phaseout Ordinance. In addition, LAWA staff and the City Attorney anticipate the need for the core HMMH consulting team to provide follow-up support and expert witness services to assist LAWA and the City Attorney with anticipated third party actions and potential FAA enforcement actions that may occur post-submittal of the LAX and VNY Part 161 applications to the FAA.

LAX

The HMMH team was originally tasked with creating an independent baseline and projected fleet mix forecast for the Part 161, study, which was already completed by the HMMH team. The HMMH team is being tasked to work with LAWA and the Specific Plan Amendment Study (SPAS) consultant to arrive at a new single forecast which must include the needed detail to conduct the appropriate Part161 benefit/cost analyses. Pursuant to this directive, the HMMH team will no longer be responsible for generating a new independent forecast, but instead will coordinate with LAWA's SPAS consultant, review that forecast, and assure that the appropriate data are delivered to the HMMH team in sufficient detail to conduct the required noise exposure calculations and forecasts of economic consequences.

The HMMH team also needs to redo the modeling and analyses already performed for the LAX study to comply with LAWA Executive Staff's directive to use the baseline and projected fleet mix forecasts developed for the LAX SPAS, instead of the fleet mix forecasts developed independently for the project. The first amendment also refocuses the efforts of the HMMH consulting team toward LAWA entering into negotiations with the airlines to attempt to obtain a voluntary agreement to cease the non-conforming east departures that are the subject of the LAX Part 161 Study.

The first amendment provides additional funding to ensure that the environmental review conducted for the project complies with the requirements of the California Environmental Quality Act (CEQA). It also extends the life of the LAX Part 161 Study website through the completion of the project with three additional years of website support and maintenance. The first amendment will also allow the HMMH team to translate all documents and reports produced for the project into Spanish.

VNY

The first amendment will allow the HMMH consulting team to perform the necessary modeling and analyses to submit applications requesting FAA approval of the proposed restrictions added to the Part 161 Study by City Council adoption of the VNY Master Plan. Those additional proposed restrictions are mentioned in the Prior Related Actions section, above.

The first amendment will also allow the HMMH consulting team to perform the necessary work to fulfill the BOAC directive adopting the "ANCA grandfathered" VNY Stage-2 Aircraft Phaseout ordinance, including all needed tasks to ensure compliance with the requirements of the BOAC Resolutions mentioned in the Prior Related Actions section, above. As the Stage-2 Aircraft Phaseout ordinance was not in the original scope of work for Contract DA-4020, the HMMH consulting team has had to divert resources from the VNY Part 161 Study to work on the ordinance.

The first amendment also provides additional funding to ensure that the environmental review conducted for the VNY Part 161 complies with the requirements of the CEQA. A determination was made that the Stage 2 Phase-out would require preparation of a Focused Environmental Impact Report, which is far more involved than the Mitigated Negative Declaration that was originally expected to be prepared. It also extends the life of the VNY Part 161 Study website through the completion of the project with three additional years of website support and maintenance.

LAWA staff and the City Attorney have concluded that the additional scope-of-work items added to the VNY Part 161 Study by the City Council, the proposed expanded scope of the LAX Part 161 Study, and the work being done for the “grandfathered” Stage-2 Phase-out, are not fully covered by the terms of contract DA-4020. To date, the HMMH consulting team has done much work toward completion of both the LAX and VNY Part 161 Studies. However, due to the additional and expanded scope-of-work items, the project will require additional time and funds to complete the Part 161 Studies project. This additional work will take longer than the original three-year term of Contract DA-4020, which expires April 19, 2008.

The Total Contract fee is as follows:

CONTRACT	LAX	VNY	Total Amount
Original Contract (DA-4020)	\$2,870,540	\$3,611,545	\$6,482,085
First Amendment	\$ 562,624	\$1,368,500	\$1,931,124
Total Amounts	\$3,433,164	\$4,980,045	\$8,413,209

Of the \$6,482,085 total budget authority allocated for Contract DA-4020, \$1,402,987 has been expended on the LAX Part 161 Study, and \$2,273,828 has been expended on the VNY Part 161 Study and the VNY Stage 2 Aircraft Phase-out Ordinance for a total expenditure of \$3,676,815 as of November 30, 2007.

At this time HMMH has achieved an 11.91% Minority/Women Business Enterprise (M/WBE) participation level of the 23.4% target level established for this project. Due to the nature of Part 161 studies, the majority of the remaining M/WBE participation is scheduled around the time the application materials are prepared for submittal to the FAA. This includes the required public outreach program, and production of copies of the cost-benefit analyses, technical reports, and application materials. The established M/WBE target levels will be achieved by the end of the project.

Authorization is requested at this time for the Executive Director to execute the First Amendment to Contract DA-4020 with HMMH to expand the scope-of-services, add three-years to term of the contract and allocate additional funds in the amount of \$1,931,124 to complete the expanded scope of this project.

4. Alternatives Considered

There are no alternatives to this contract amendment if LAWA wishes to comply the City Council directives regarding the additional scope-of-work items added by approval of the VNY Master Plan; and implementation of the BOAC directive to pursue the “ANCA Grandfathered” phase out of Stage-2 aircraft pursuant to Board Resolutions 17154 and 22980. Additionally, pursuant to the provisions of

Charter Section 1022, HR Division reviewed this project and determined that city employees do not possess the expertise required to perform the work proposed for contracting.

5. Economics and Cost Implications

The funding authorized by contract DA-4020 currently is \$2,870,540 for the LAX Part 161 and \$3,611,545 for the VNY Part 161, for a total of \$6,482,085. The contract amendment will request additional funding of \$562,624 for the LAX study, \$1,368,500 for the VNY study, for a total additional amount of \$1,931,124. This would bring the contract budget authority to a total of \$8,413,209.

Estimated future annual project costs under the contract amendment are as follows:

Fiscal Year	LAX	VNY	Total
2008	\$ 0	\$ 450,000	\$ 450,000
2009	\$ 229,824	\$ 550,000	\$ 779,824
2010	\$ 313,544	\$ 200,000	\$ 513,544
2011	\$ 19,256	\$ 168,500	\$ 187,756
Total	\$ 562,624	\$ 1,368,500	\$ 1,931,124

This project is being funded from LAWA revenues.

FISCAL IMPACT STATEMENT:

Funds for this three-year contract amendment are available in the Fiscal Year 2007-08 Los Angeles World Airports Operating Budget in Cost Center 1140006 – LAX Noise Management Division, Commitment Item 520 – Contractual Services, and in Cost Center 1400009 – VNY Noise Management Division, Commitment Item 520 – Contractual Services. Funding for subsequent years will be requested as part of the annual budget process.

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 Contractor Worker Retention Ordinances.
3. Contract Services has reviewed this item and established a 25% combined Minority/Women Business Enterprise level for this project. Harris Miller Miller & Hanson Inc. committed to 23.4% M/WBE levels of participation and has achieved 11.91% participation to date.
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 Obligations Ordinance.
7. Harris Miller Miller & Hanson Inc. has approved insurance documents, in the terms and amounts required, on file with the City of Los Angeles.
8. Pursuant to Charter Section 1022, it has been determined that the work specified on this contract can be performed more economically or feasibly by an independent contractor than by City employees.
9. This contract amendment will be reviewed and approved by the City Attorney as to form.
10. Action taken on this item will become final pursuant to the provisions of Los Angeles City Charter Section 373.
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.
12. Harris Miller Miller & Hanson Inc. has been determined by Public Works, Office of Contract Compliance, to be in full compliance with the provisions of the Equal Benefits Ordinance.
13. Harris Miller Miller & Hanson Inc. will comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs once the program is formally implemented by LAWA.

LOS ANGELES INTERNATIONAL AIRPORT AND VAN NUYS AIRPORT FEDERAL
AVIATION REGULATIONS PART 161 STUDIES.

Board Report Subject

Harris Miller Miller & Hanson, Inc.

Prime Consultant

SUB-CONSULTANT LIST

To be submitted as an attachment with the corresponding board report.

SUB-CONSULTANT INFORMATION	M/W/DBE PARTICIPATION		\$ AMOUNT PROPOSED	PROPOSED PERCENTAGE OF CONTRACT	DESCRIPTION OF PROJECT SERVICES
	YES *PROFILE INFORMATION	NO			
NAME: Simat, Helliesen & Eichner, Inc	Group _____ Ethnicity _____ Gender _____ NAICS _____	X	\$392,366		Economic subconsultant for both the LAX and
ADDRESS: 90 Park Avenue					VNY studies. Will perform the benefit-cost
CITY/STATE/ZIP: New York, NY 10016					analyses for both studies
CONTACT NAME: Peter Stumpp					
NAME: Dakota Communications	Group MBE _____ Ethnicity <u>B</u> _____ Gender _____ NAICS _____		\$140,723	7.3%	Will handle all aspects of community outreach
ADDRESS: 2999 Overland Ave, Ste. 210					for the LAX Study including conducting the
CITY/STATE/ZIP: Los Angeles, CA 90064					Public Outreach Program.
CONTACT NAME: Kerman Maddox					
NAME: Communiquet, Inc.	Group W/DBE _____ Ethnicity <u>C</u> _____ Gender <u>F</u> _____ NAICS _____		\$196,318	10.2%	Will handle all aspects of community outreach
ADDRESS: 2728 Butternut Circle					for the VNY Study including conducting the
CITY/STATE/ZIP: Simi Valley, CA 93065					Public Outreach Program.
CONTACT NAME: Christine Eberhard					
NAME: Crown Consulting	Group M/DBE _____ Ethnicity <u>A</u> _____ Gender _____ NAICS _____		\$22,649	1.2%	Airport and airspace modeling analyses for the
ADDRESS: 501 School St., SW, Ste. 400					LAX and VNY Studies.
CITY/STATE/ZIP: Washington, DC 20024					
CONTACT NAME: Vinayak Khera					

***PROFILE INFORMATION**

Revised 2/15/08

Use the appropriate classification from the list below.

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

LOS ANGELES INTERNATIONAL AIRPORT AND VAN NUYS AIRPORT FEDERAL
AVIATION REGULATIONS PART 161 STUDIES.

Board Report Subject

Harris Miller Miller & Hanson, Inc.

Prime Consultant

NAME: Jones & Stokes Associates	Group _____	X	\$378,761		Prepare environmental documentation for both the LAX and VNY Studies to comply with the requirements of CEQA/NEPA.
ADDRESS: 2600 V Street	Ethnicity _____				
CITY/STATE/ZIP: Sacramento, CA 95818	Gender _____				
CONTACT NAME: Jack Ottaway	NAICS _____				

***PROFILE INFORMATION**

Revised 2/15/08

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- Ethnicity - Asian, Black, Caucasian, Hispanic, Native American
- Gender - Male, Female
- NAICS - North American Industry Classification System