



## **DISCUSSION:**

### **1. Prior Related Actions**

It is the mission of LAWA to be an innovative leader in regional and global transportation by, among others, acting proactively regarding community and environmental issues. To achieve this mission, LAWA has developed the Strategic Objective of "Demonstrating a continuing commitment to the community." With this in mind, LAWA has decided to embark on these Federal Aviation Regulations (FAR) Part 161 Studies in an attempt to provide meaningful noise relief to the communities impacted by the noise from aircraft operations at LAX and VNY. This is a historic project as LAWA is the first airport proprietor in the United States to embark on two simultaneous Part 161 Studies at separate airports, and the VNY study is the first one in the United States to attempt to implement multiple proposed noise and access restrictions.

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 at their airports, 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 (also known as the Federal Aviation Regulations). 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 would allow LAWA to implement the proposed noise and access restrictions on aircraft operations at LAX and VNY.

On February 18, 2003, the Board of Airport Commissioners (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 goal of the LAX Part 161 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 (excluding those times when LAX is in Easterly Operations).

LAWA agreed to conduct the LAX Part 161 Study in Section III.G of the Community Benefits Agreement negotiated with the LAX Coalition for Economic, Environmental, and Educational Justice in support of the LAX Master Plan, approved by the BOAC on December 6, 2004 in Resolution No. 22554 and approved by the City Council on December 14, 2004. In addition, the LAX/Community Noise Roundtable (Roundtable), has determined that a serious noise disturbance problem exists with these easterly departures and has asked LAWA to eliminate these operations through the Part 161 process. The Roundtable adopted this issue as a noise problem that needs to be mitigated in its Work Program.

The goal of the VNY Part 161 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](http://www.labavn.org)). Notice of the RFP's availability was 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 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 proposers submitted four proposals in response to the RFP.

A Technical Review Team comprised of seven LAWA staff members from VNY Airport Administration, Long Range Planning Division, and the Noise Management Division reviewed the proposals for technical merit and recommended that all three proposing firms be invited to the interviews.

The three proposing firms were interviewed on February 26, 2004 by a panel consisting of 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), and Robert Holden (Environmental Supervisor II and Project Administrator).

The proposers were evaluated on the basis of the experience of the proposer as a firm; the experience and qualifications of personnel; past performance on contracts of similar size and scope; their performance on contracts with the City in the past 10 years; the quality and responsiveness of the proposer; the organization's financial stability; quality assurance guarantees and estimated time frame; additional criteria specific to the RFP; and the proposed level of fees and best overall value.

Following the review of the written proposals and the conclusion of the oral interviews, the consulting team led by Harris Miller Miller & Hanson Inc. (HMMH) of Burlington, MA was selected as the most qualified proposer to provide the consulting services for the LAX and VNY Part 161 Studies project. HMMH proposed a strong consulting team and demonstrated a very good understanding of the scope of the project and its complex challenges. Their proposed team was organized effectively and has extensive experience in performing FAR Part 161 studies.

On July 19, 2004, the BOAC authorized LAWA to negotiate a contract with 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 above mentioned standard competitive process for professional services pursuant to the RFP.

The length of time HMMH took to prepare the final scope-of-work due to the complexity of the project; changes to the scope-of-work requested by LAWA; contract preparation time; and additional time needed to negotiate, amend and obtain LAWA Senior Management approval of HMMH requested language changes with respect to the intellectual property ownership provisions of the contract were responsible for the period of time between the July 19, 2004 BOAC selection of HMMH and this action.

2. Current Action

In order to conduct the LAX and VNY Part 161 Studies, LAWA wishes to enter into a new three-year contract with the BOAC selected consulting team lead by HMMH. This team has the experience in conducting the background studies, and preparing the necessary reports and applications to submit to the FAA for review.

The scope of services for this project includes project management and coordination; intergovernmental and interagency coordination; establishing planning goals and objectives; developing the final work plan; identifying outside sources of funding, if available; developing the text of the Proposed Restrictions; preparation and distribution of Notices of the Proposed Restrictions; preparation and implementation of the Public Outreach Program; performing the required analyses of the Proposed Restrictions; preparation and delivery of the draft and final Part 161 applications, reports and documents; follow-up support on the Part 161 submittals to the FAA; and preparation of environmental impact documentation pursuant to the California Environmental Quality Act (CEQA).

The total fees associated with this consultant contract are allocated to each airport as follows:

**LAX**

<u>Task Description</u>	<u>Basic Services</u>	<u>Other Direct Costs</u>	<u>Total Cost</u>
Project Management & Coordination	\$ 315,788	\$ 39,839	\$ 355,627
Intergovernmental & Interagency Coord.	\$ 83,706	\$ 4,851	\$ 88,557
Establish Planning Goals & Objectives	\$ 49,737	\$ 2,984	\$ 52,721
Develop the Final Work Plan	\$ 173,784	\$ 14,670	\$ 188,454
Identify Outside Sources of Funding	\$ 40,134	\$ 4,709	\$ 44,843
Develop Text of the Proposed Restriction	\$ 93,773	\$ 2,665	\$ 96,438
Prepare/Distribute Notice of Proposed Restriction	\$ 49,795	\$ 2,665	\$ 52,460
Prepare/Implement Public Outreach Program	\$ 457,893	\$ 176,552	\$ 634,445
Perform Required Analyses of Proposed Restriction	\$ 978,393	\$ 67,706	\$ 1,046,099
Prepare/Deliver Draft & Final Part 161 Reports & Documents	\$ 178,480	\$ 14,590	\$ 193,070
Follow-up Support on Part 161 Submittals to the FAA	\$ 32,855	\$ 4,871	\$ 37,726
Preparation of CEQA Environmental Documentation	\$ 76,642	\$ 3,462	\$ 80,103
<b>LAX Total Costs</b>	<b>\$2,530,978</b>	<b>\$ 339,562</b>	<b>\$ 2,870,540</b>

**VNY**

<u>Task Description</u>	<u>Basic Services</u>	<u>Other Direct Costs</u>	<u>Total Cost</u>
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Project Management & Coordination	\$ 470,174	\$ 52,716	\$ 522,935
Intergovernmental & Interagency Coord.	\$ 62,207	\$ 4,440	\$ 66,647
Establish Planning Goals & Objectives	\$ 65,230	\$ 4,690	\$ 69,920
Develop the Final Work Plan	\$ 206,910	\$ 27,020	\$ 233,930
Identify Outside Sources of Funding	\$ 40,133	\$ 4,709	\$ 44,842
Develop Text of the Proposed Restrictions	\$ 132,469	\$ 6,371	\$ 138,840
Prepare/Distribute Notice of Proposed Restriction	\$ 61,376	\$ 4,391	\$ 65,767
Prepare/Implement Public Outreach Program	\$ 691,908	\$ 199,786	\$ 891,694
Perform Required Analyses of Proposed Restrictions	\$1,130,235	\$ 76,174	\$ 1,206,409
Prepare/Deliver Draft & Final Part 161 Reports & Documents	\$ 210,339	\$ 16,712	\$ 227,051
Follow-up Support on Part 161 Submittals to the FAA	\$ 36,898	\$ 4,871	\$ 41,769
Preparation of CEQA Environmental Documentation	\$ 96,805	\$ 4,940	\$ 101,745
<b>VNY Total Costs</b>	<b>\$ 3,204,682</b>	<b>\$ 406,863</b>	<b>\$ 3,611,545</b>
<b>Total Project Costs</b>	<b>\$ 5,735,660</b>	<b>\$ 746,425</b>	<b>\$ 6,482,085</b>

The cost of the VNY Part 161 Study is greater than the LAX Part 161 Study due to the VNY Study having seven proposed Noise and Access Restrictions to analyze and study, as opposed to only one Noise and Access Restriction at LAX, thus increasing the complexity of the VNY Study. This also requires HMMH to prepare seven separate applications for the VNY Study for LAWA to submit to the FAA for review to comply with the RFP's requirement for the VNY Part 161 Study that states that the applications shall be prepared in a manner that makes the VNY Proposed Restrictions severable. This severability allows the FAA to review each Proposed Restriction separately, and the approval/rejection of one Proposed Restriction will not affect FAA consideration of any of the other Proposed Restrictions.

LAWA staff requests that the BOAC approve the three-year contract that the Executive Director has negotiated with HMMH in an amount not to exceed \$6,500,000 over the life of the contract, and authorize the Executive Director to execute the contract with HMMH to provide consulting services for the project entitled LAX and VNY FAR Part 161 Studies.

Pursuant to Section XVI.C.2.a of the above mentioned Community Benefits Agreement, this Board Report has been submitted to the Coalition for Economic, Environmental, and Educational Justice (Coalition) for review. The Coalition has not responded with any comments.

### 3. Alternatives Considered

There are no alternatives to performing the FAR Part 161 Studies at LAX and VNY if LAWA wishes to implement the Proposed Noise and Access Restriction(s), since ANCA preempted the ability of airport proprietors to implement any local noise restrictions 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 that meet the Stage 3 noise levels in FAR Part 36. Examples of Stage 3 jets operating at LAX are newer Boeing (B) B747'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 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.

#### 4. Economics and Cost Implications

LAWA will be using airport revenues to fund these studies. One of the tasks of the consultant is to identify any outside sources of funding to help pay for the project. It is anticipated that these studies will cost approximately \$2,161,000 per year over the three-year term of the contract.

LAWA cannot implement any of the Proposed Noise and Access 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:**

Funds for this contract are currently available in the Fiscal Year 2004-2005 Los Angeles World Airports Operating Budget in Cost Center 1140006 – LAX Noise Management, and Cost Center 1400009 – VNY Noise Management, 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 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 a 23.5% 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 FAR Part 161 consulting services can be performed more economically or feasibly by an independent contractor than by City employees.
9. The City Attorney will approve the contract as to form upon approval by the BOAC.
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.