



COUNCIL AGENDA: 4/29/08  
ITEM: 2.3

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** William F. Sherry, A.A.E.

**SUBJECT:** See Below

**DATE:** 4/7/08

Approved

Date

4/8/08

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: APPROVAL OF CONSULTANT AGREEMENT WITH DAVID J. POWERS & ASSOCIATES, INC. FOR AIRPORT ENVIRONMENTAL ANALYSIS SERVICES**

## RECOMMENDATION

Approval of a Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services in an amount not to exceed \$250,000 and for the term of July 1, 2008 to June 30, 2011.

## OUTCOME

Approval of the proposed agreement will provide continuity for ongoing and as-needed environmental analysis expertise for Airport operation and development.

## BACKGROUND

Since the late 1980's, the City has utilized the services of environmental consultants on Airport issues and projects on an ongoing basis through a series of consultant agreements. These services have included preparation of Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) documents under state and federal law, as well as as-needed assistance to City staff, including but not limited to the following projects:

- preparation of a supplement and several addenda to the Airport Master Plan EIR;
- analyses required for federal funding approval of Airport development projects;
- analyses supporting the development/adoption of the Airport Noise Curfew Ordinance and documenting compliance with the Airport Security & Traffic Relief Act (ASTRA) Ordinance;
- on-call guidance on potential capital improvement projects and implementation of EIR mitigation measures; and
- specialized technical analysis on the ongoing Airport Obstruction Study.

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The current Consultant Agreement with David J. Powers & Associates, Inc. for environmental services was originally approved in 2003, amended six times since for term extensions and/or increased compensation, and is set to expire in June 2008. Consistent with San Jose Municipal Code Section 4.12.210 requiring that the City engage in a competitive procurement on all professional services contracts with a payment amount exceeding \$10,000, the Administration committed to conducting a new consultant selection process to ensure that the needed services would continue to be provided by the most qualified firm available.

A continuation of specialized technical expertise on airspace and airfield issues, currently being provided by the Airport Obstruction Study subconsultants under the environmental services agreement, is being procured through a separate consultant selection process.

### ANALYSIS

The procurement of a new agreement for Airport environmental consultant services has been conducted in accordance with the City's Qualifications Based Consultant Selection Policy. A Request for Qualifications (RFQ) was issued on December 14, 2007. All firms listed on the City's environmental consultant contact list (approximately 30 firms) were notified via e-mail of the RFQ availability, a similar notification was advertised twice in the San Jose Post Record, and the RFQ was placed on the Airport's public website bulletin board where it remained until the closing date of January 15, 2008.

A 4-person selection panel was created to review and score the submitted Statements of Qualifications (SOQ) and to conduct and score interviews with short-listed firms. The selection panel consisted of two Airport Department and one Planning, Building, and Code Enforcement Department staff, and a staff representative from Oakland International Airport as a non-City participant.

Three firms submitted a Statement of Qualifications, which were reviewed and scored by each selection panel member according to a set of six evaluation criteria presented in the RFQ. Because only three SOQs were received, the panel decided to short-list all three firms. Interviews were conducted on February 26, 2008, and scored by the panel according to a set of nine predetermined evaluation criteria. The resulting interview scores were then combined with the SOQ scores to derive the final ranking, as presented below:

<b>Rank</b>	<b>Firm</b>	<b>SOQ Score</b>	<b>Interview Score</b>	<b>Combined Score</b>
<b>1</b>	<b>David J. Powers</b>	93	90	<b>91.5</b>
<b>2</b>	<b>ESA Airports</b>	65	74	<b>69.5</b>
<b>3</b>	<b>URS</b>	66	55	<b>60.5</b>

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There was unanimous consensus within the panel regarding the evaluations and resulting rankings. David J. Powers & Associates, the highest ranked firm, was also the only candidate firm that qualified both as a local and small business enterprise.

The firms were subsequently notified of the rankings and a Consultant Agreement with David J. Powers & Associates was drafted. Approval and execution of the proposed Consultant Agreement will allow for a seamless continuation of the ongoing and as-needed environmental analysis services that are critical to Airport operation and development.

### **POLICY ALTERNATIVES**

*Alternative: Amend the City's existing consultant agreement with David J. Powers & Associates for Airport environmental analysis services rather than replacing it with a new agreement.*

**Pros:** Allows continuation of the same services as provided under a new agreement.

**Cons:** Negates the benefits of conducting a competitive process to ensure the best available firm is providing the needed services.

**Reason for not recommending:** Amending the existing agreement for another time extension and increased compensation would be inconsistent with City policy to conduct competitive processes for consultant services.

### **PUBLIC OUTREACH**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The above criteria do not apply to the proposed agreement.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

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**FISCAL/POLICY ALIGNMENT**

The consultant services covered under this Agreement support the ongoing operation and development of the Airport, consistent with the goals and policies of the City General Plan and Airport Master Plan. This project is also consistent with the Guiding Principles for Budget and Financial Management (Document: Mayor's 2006-2007 Revised June Budget Message, p.9) to "Preserve our options for the future as much as possible".

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$250,000
2. COST ELEMENTS OF AGREEMENT:  
Professional Services \$250,000  
TOTAL AGREEMENT AMOUNT: \$250,000
3. SOURCE OF FUNDING: 527 – Airport Renewal and Replacement Fund
4. FISCAL IMPACT: The amended agreement will have no adverse impact on the General Fund operating budget.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	Total Appn. 2007-2008	Amt. for Contract	2007-2008 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
527		Advanced Planning	\$822,000	\$250,000	V-1002	10/16/07 Ord. No. 28143
		<b>Total</b>	<b>\$822,000</b>	<b>\$250,000</b>		

**CEQA**

Resolution Nos. 67380 and 71451, PP 08-045.

  
WILLIAM F. SHERRY, A.A.E.  
Director of Aviation  
Airport Department

Please direct questions to William Sherry, Director of Aviation, 501-7669.