REPLACEMENT

COUNCIL AGENDA: 5-9-06
ITEM: 6.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

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

SUBJECT: SEE BELOW

DATE: 5-1-06

Approved

Date 5/3/06

COUNCIL DISTRICT: Citywide

SUBJECT: AIRPORT OBSTRUCTION STUDY PROGRESS REPORT AND FOURTH AMENDMENT TO CONSULTANT AGREEMENT WITH DAVID J. POWERS & ASSOCIATES, INC. FOR AIRPORT ENVIRONMENTAL ANALYSIS SERVICES

RECOMMENDATION

Accept this progress report on the Obstruction Study for the Norman Y. Mineta San José International Airport and approve a Fourth Amendment to the Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing the maximum cost of the Agreement by $120,000 (from $250,000 to $370,000) for additional work on the Airport Obstruction Study.

OUTCOME

Approval of the proposed amendment to the consultant agreement will allow for the continuation of ongoing and project-specific environmental analysis services including completion of the Airport Obstruction Study.

BACKGROUND

The consultant firm of David J. Powers & Associates, Inc. was retained under a Manager's Consultant Services Agreement in July 2003 to provide ongoing and as-needed environmental analysis services related to Airport development and operation. The Agreement has been amended three times to date. The Third Amendment, approved 1/10/06, extended the term of the agreement to June 2007 and increased the maximum compensation to cover the cost of several upcoming tasks including the Airport Obstruction Study, currently underway, assessing the compatibility of aircraft operations and high-rise building development in the Airport vicinity.

The estimated cost of the study has increased, and the consultant agreement needs to be amended accordingly. As noted in the April 24, 2006 Information Memo to Council, the information this study is producing is of significant importance and value to Airport operations and the City planning process.

ANALYSIS

As one of its Airport environmental services, David J. Powers & Associates has been tasked with preparation of the Airport Obstruction Study. Initiated in January, the study is generating timely technical information for possible City refinement of goals and policies for downtown development and Airport operation. The study is extremely complex and is being conducted by specialized subconsultants to identify potential maximum building heights based on existing high-rise buildings, Federal Aviation Administration (FAA) imaginary surface standards ("FAR Part 77"), and airline operational procedures for clearing obstructions in emergency reduced-power situations ("FAR Part 25").

Preparation of extensive input data for the study has taken longer than anticipated but has essentially been completed, including automated base maps of the study area, runway operational data, location and heights of existing high-rise buildings, and collection of airline-specific operational procedures for selected aircraft and flight destinations. To ensure that all relevant factors are included in the analysis, the scope of the specialized subconsultant work has been expanded to include consideration of additional FAA obstruction criteria (a set of 18 obstacle clearance surfaces known as "TERPS") that may be found to be more restrictive than either Part 77 (used by the FAA in evaluating high-rise building proposals) or Part 25 (used by airlines for their "engine out" safety calculations) at specific locations in the Airport vicinity. While FAA uses Part 77 to identify obstructions, TERPS is often applied to specifically determine whether a potential obstruction should be declared a hazard. Having this analysis included in our study will give us a fuller understanding of potential development conflicts. This expanded scope accounts for the proposed $120,000 increase in the subject consultant agreement.

The study subconsultants are currently underway with mapping the approximately 30 surfaces over the downtown area and existing high-rise buildings to identify the most restrictive surface(s) applicable at any location. It is anticipated that the preliminary results of the analysis for the downtown portion of the study area will be ready for presentation to Council in June. A team of staff, including representatives from the Planning, Building and Code Enforcement Department and Redevelopment Agency, have been meeting regularly with the subconsultants to get educated on these technical issues and, in turn, to provide guidance for displaying the technical information in the most accurate and understandable manner to allow for appropriate public discussion.

In the course of the study, staff determined that several downtown buildings are not identified on the obstruction databases used by the FAA and airlines. Upon receiving this information, one airline initially indicated that it would have to either modify its emergency "engine-out" procedures for southerly departures of one of its flights to safely clear one particular building, or

begin instituting weight restrictions on that flight. That airline subsequently informed staff that it was able to redesign its procedures by increasing its emergency turn to the west over a portion of downtown where there currently are no comparable obstructions. No other airline has indicated that any current flight operations are impacted by the presence of structures missing from the FAA and airline databases.

COMPLIANCE WITH LOCAL PREFERENCE ORDINANCE

The City's Local Preference Ordinance (Municipal Code Chapter 4.06) requires that the City obtain three competitive proposals, if practicable, on all professional services contracts with a payment amount exceeding $5,000. For professional services contracts where price is not the determinative factor, proposers that qualify as local business enterprises are to be given a credit equal to five percent of the total points used to determine the most advantageous proposal to the City. Local business enterprises that also qualify as small business enterprises are to be given an additional credit equal to five percent of the total points used to determine the most advantageous proposal to the City.

Unless Council determines that it is not practicable for the City to obtain three competitive proposals, the Local Preference Ordinance requirements apply to consultant agreement amendments such as the proposed fourth amendment to increase maximum compensation. Staff recommends that Council determine that it is not practicable to obtain three competitive proposals for the additional consultant services included in the proposed fourth amendment, because a continuation of the consultant's services is critical to accomplishing the expert and often time-critical environmental analyses referenced above.

PUBLIC OUTREACH

Not applicable.

COORDINATION

This memo has been coordinated with the Planning, Building and Code Enforcement Department, the Redevelopment Agency, the City Manager's Budget Office, and the City Attorney's Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: $120,000
2. COST OF PROJECT:

Original Agreement	$100,000
First Amendment (time extension)	--
Second Amendment (time extension)	--
Third Amendment	150,000
Fourth Amendment	120,000
TOTAL	$370,000

3. SOURCE OF FUNDING: 527 – Airport Renewal and Replacement Fund
4. FISCAL IMPACT: The proposed amendment will increase the not-to-exceed cost of the existing agreement by $120,000, for a total amount of $370,000. The services provided through this Agreement are necessary to support ongoing Airport development and operation. The amended agreement will have no adverse impact on the General Fund operating budget.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn. 2005-2006	Amt. for Contract	FY2005-2006 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
527	4007	Advanced Planning	071343	$688,000	$120,000	V-86	10/18/05 Ord. No. 27580

CEQA

Resolution Nos. 67380 and 71451, PP 06-053

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

For questions please contact William F. Sherry, Director of Aviation, 501-7670.

WFS:CG