



COUNCIL AGENDA: 08/29/06
ITEM: 2.3

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

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

**SUBJECT: FOURTH AMENDMENT TO
CONSULTANT AGREEMENT
WITH BROWN-BUNTIN
ASSOCIATES, INC.**

DATE: August 9, 2006

Approved

Date

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Approval of a continuation agreement to the agreement with Brown-Buntin Associates, Inc. for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, extending the term from July 01, 2006 to June 30, 2007 and increasing the maximum compensation by \$62,200, from \$172,925 to \$235,125.

CEQA: Resolution Nos. 67380 and 71451, PP06-124

OUTCOME

If the Council approves this continuation agreement, Brown-Buntin Associates, Inc. will continue to provide consultant services to the City of San José for the California state-mandated Quarterly Reports and other noise reports and related services required by the Airport Department.

BACKGROUND

Brown-Buntin Associates, Inc. entered into a Consultant Agreement with the City of San José in 2003 for \$51,500. Since inception of the original agreement, Council has approved amendments to extend the term and provide appropriate increased compensation for Fiscal Years 2004-2005 and 2005-2006.

ANALYSIS

The Airport's Noise Monitoring Center, a section within the Airport Operations Division of the Norman Y. Mineta San José International Airport, is required to provide the Quarterly Noise Report to the State of California per California Department of Transportation, Title 21, The California Noise Standard. This report is a requirement of state regulations and requires

performed by current Airport Operations Division staffing or other City departments due to the complex technical nature of the report.

Brown-Buntin Associates, Inc. is a well-respected member in the Noise Acoustics Field, concentrating in the field of Airport Acoustics. The firm has a long history and knowledge of the Airport's and the City of San José's issues. Their work in San José's Master Plan Environmental Impact Report and updates, and their expert analysis and reporting in the conversion of the Airport Curfew Program, is evidence of their contribution to the Airport and the City of San José. As the main Noise Consultant of the Airport and City of San Jose, Brown-Buntin Associates, Inc. has participated in projects related to the Master Plan, and provided detailed information on the defense and the revision of the Airport Curfew. Brown-Buntin Associates, Inc. has a complete understanding of the noise issues at Mineta San José International Airport and provides expert guidance when called upon.

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 businesses 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 extend the term. Staff recommends that Council determine that it is not currently practicable to obtain three competitive proposals for noise consultant services at the Airport because there is no known local consultant qualified to do the work, and it is important to:

1. maintain continuity of reporting services and
2. allow Brown-Buntin sufficient time to complete existing projects and
3. provide an adequate amount of time for staff to research qualified consultants.

The currently proposed extension provides for a fourth year of contracted services with Brown-Buntin Associates, Inc. Although the Airport is pleased with the work product, expertise and timeliness of services provided by Brown-Buntin, Airport staff will this year conduct a Request for Qualifications process for these services, in order to review the current field of potential consultants, and will present a new contract for Council consideration for the 2007-2008 fiscal year.

POLICY ALTERNATIVES

Not applicable

PUBLIC OUTREACH

Not applicable.

COORDINATION

Preparation of this memorandum and the Fourth Amendment has been coordinated with the City Manager's Budget Office and City Attorney's Office.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$62,200

2. AGREEMENT AMOUNT:

Original Agreement	\$ 51,500
First Amendment	\$ 7,725
Second Amendment	\$ 51,500
Third Amendment	\$ 62,200
Fourth Amendment	\$ <u>62,200</u>

TOTAL \$235,125

3. SOURCE OF FUNDING: 523 – Airport Maintenance and Operations Fund

4. FISCAL IMPACT: The project has been reviewed and determined that it has no impact on the General Fund Operating Budget. The Fourth Amendment is fully funded in the 2006-2007 Adopted Operating Budget.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	2006-2007 Proposed Budget Page*	Last Budget Action (Date, Ord. No.)
523	0802	Airport Non-Personal/ Equipment	11140	\$36,772,206	\$62,200	Page XI-3	N/A

*The 2006-2007 Adopted Operating Budget was approved by the City Council on June 27, 2006

CEQA

Resolution Nos. 67380 and 71451, PP06-124


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

For questions please contact William Sherry, Director of Aviation, at (408) 501-7670.

