



CITY OF LONG BEACH R-29

LONG BEACH AIRPORT

4100 East Donald Douglas Drive • Long Beach, CA 90808 • (562) 570-2619 • Fax (562) 570-2601

December 3, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments thereto with Brüel & Kjær EMS, Inc., a Delaware corporation, without advertising for bids for the Long Beach Airport Noise and Operations Monitoring System (ANOMS) in an amount not to exceed \$856,306;

Authorize the City Manager to execute a Noise Office Services Agreement with Brüel & Kjær EMS, Inc., a Delaware corporation, for the maintenance, upgrade and support of the Long Beach Airport ANOMS for a period of approximately one year (with two additional one-year renewal options) at the initial annual base rate of approximately \$227,384 plus an annual CPI increase and a \$50,000 annual contingency for additional services for a total amount not to exceed \$856,306 for the proposed three-year total term; and

Authorize the City Manager to execute subsequent amendments to the Agreement to extend the term of such agreement, and authorize additional services, if required, within the provisions of the agreement and adjust the fee schedules for inflation. (District 5)

DISCUSSION

The Long Beach Airport utilizes the ANOMS to enforce the City's Noise Compatibility Ordinance (LBMC Chapter 16.43). The City's Noise Ordinance, enacted in 1995, is recognized as one of the strictest in the country and the administration of the ordinance requires specialized, unique and custom data processing and reporting programs. The California Airport Noise Standards (California Code of Regulations, Title 21, Section 5000 et seq.) apply to any airport that is determined to have a noise problem by the local County Board of Supervisors in accordance with the provisions in the regulation.

ANOMS, first installed in 1991, enables Airport staff to ensure flight data accuracy and completeness for monitoring and compiling the Annual Noise Analysis Budget, Los Angeles County Quarterly Reporting, complaint entry investigations, community reports, tenant and user fly-quiet procedures and reports for noise violation enforcement.

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The Airport's ANOMS system is comprised of a network of 18 noise monitors that measure the noise environment and a short-range passive radar system (PASSUR) that collects aircraft identification and flight tracking data.

On December 18, 2007, the City Council authorized the execution of an agreement with Lochard Corporation, predecessor in interest to Brüel & Kjær EMS, Inc. (B&K), for the maintenance, upgrade and technical support of ANOMS. Concurrently, the City Council authorized the adoption of Resolution 07-179 for the execution of the agreement without advertising for bids. The ANOMS hardware/software components are proprietary to B&K on both an intellectual and technical basis. The associated hardware/software combination was designed by B&K and is used solely with B&K solutions. Due to the unique nature and enforcement requirements of Long Beach Municipal Code 16.43, the LGB ANOMS installation includes customized data collection and processing algorithms specific to LGB. The software stores historical data in customized databases and includes specialized reporting tools that were developed and maintained only by B&K. Given the proprietary nature of the equipment and the uniqueness of the installation at LGB, a competitive bid process is infeasible. Currently, there are only two manufacturers who provide this type of equipment and service.

The agreement expired on September 17, 2013. The Airport is currently on a month-to-month arrangement, which ends on the day the new agreement commences. The new agreement contains the following major terms and provisions:

- Customer: City of Long Beach, Long Beach Airport.
- Supplier: Brüel & Kjær EMS, Inc.
- Term: Initial term of one year, commencing December 1, 2013, through November 30, 2014.
- Options to Extend: The Agreement shall provide for two one-year options to extend the term.
- Service Fee: Annual service fee of \$227,384.
- Service Fee Increases: Annual service fee increases shall be based on the annual Consumer Price Index (CPI) if and when an option to extend is exercised.
- Additional Services: Additional services are available from Brüel & Kjær EMS, Inc., for replacement, modification or enhancement of software and hardware. Costs for these additional services are outside of the Service Fee listed above and shall be determined based on a separate fee schedule. A contingency of \$50,000 is included as an estimate for the initial term and for additional terms if and when an option to extend is exercised.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on November 12, 2013 and by Budget Management Officer Victoria Bell on November 14, 2013.

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TIMING CONSIDERATIONS

City Council action on this matter is requested on December 3, 2013, in order to expedite the Agreement in a timely fashion for continued maintenance of the Airport's ANOMS system.

FISCAL IMPACT

Utilizing an estimated annual CPI increase of 3.5 percent, the total service fee for the Agreement for the proposed three-year total term is approximately \$706,306. Allowing for a \$50,000 contingency per year for Additional Services provides for a total not exceed amount of \$856,306.

Annual payment for FY14 of approximately \$227,384 is budgeted in the Airport Fund (EF 320) in the Airport Department (AP). Funding for future years based on subsequent options to extend the term shall be included in the annual budgeting process for the Airport Fund. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.


Respectfully submitted,



MARIO RODRIGUEZ
DIRECTOR, LONG BEACH AIRPORT

MR:RR:AT:km
S\CL\Brueel & Kjaer - ANOMS.rev1.docx

APPROVED:



PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS THERETO WITH BRÜEL & KJAER EMS INC. WITHOUT ADVERTISING FOR BIDS FOR THE MAINTENANCE, UPGRADE AND SUPPORT OF THE LONG BEACH AIRPORT NOISE AND OPERATIONS MONITORING SYSTEM (ANOMS) IN AN AMOUNT NOT TO EXCEED \$856,306

WHEREAS, for the past several years Brüel & Kjaer EMS Inc. ("Brüel"), formerly known as Lochard Corporation, has operated the Airport Noise and Operations Monitoring System ("ANOMS") at the Long Beach Airport in order to enforce the City's Noise Compatibility Ordinance ("Noise Ordinance"); and

WHEREAS, the current contract under which Brüel operates the ANOMS system expires later this year; and

WHEREAS, the ANOMS system needs to be maintained, upgraded and supported; and

WHEREAS, Brüel is the only company capable of providing technical support and services needed for maintaining, upgrading and supporting the ANOMS system; and

WHEREAS, as a result, no useful purpose would be served by advertising for bids and to do so would constitute an idle and useless act and an unnecessary expenditure of public funds;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The City Manager or his designee is hereby authorized to enter a contract and any amendments thereto with Brüel & Kjaer EMS Inc. for the maintenance, upgrade and support of the Long Beach ANOMS System in an amount not to exceed \$856,306.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk