

C-7

November 12, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing the City Manager, or designee, to execute an agreement, and any necessary amendments, with Brüel & Kjaer EMS, Inc., a Delaware corporation, to provide maintenance, upgrade, and support of the Long Beach Airport Noise and Operations Monitoring System, in an annual amount of \$247,851, with a \$50,000 contingency for additional services, for an annual amount not to exceed \$297,851, for a period of one year, with the option to renew for four additional one-year periods, with an annual CPI increase of 3.5 percent, at the discretion of the City Manager; authorize a one-time equipment upgrade in the amount of \$340,425; and,

Increase appropriations in the Airport Fund Group in the Airport Department by \$340,425, offset by funds available. (District 5)

DISCUSSION

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

A competitive bid process was conducted in 1991 for an ANOMS, which resulted in an award to Lochard Corporation, predecessor in interest to Brüel & Kjaer EMS, Inc. (B&K). The installation of the ANOMS enabled 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. The Airport's ANOMS is comprised of a network of 18 noise monitors that measure the noise environment and a System Wide Information Management (SWIM) radar feed that collects aircraft identification and flight tracking data.

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Since April 2001, the City Council has adopted Resolutions to authorize execution of agreements with B&K for continued maintenance, upgrades, and technical support of the ANOMS. Most recently, on November 1, 2016, the City Council authorized the adoption of Resolution 16-0108, resulting in the execution of Contract No. 34475 with B&K for continued service. Contract No. 34475 will expire on November 30, 2019. The proposed new agreement will contain the following major terms and provisions:

- Customer: City of Long Beach, Long Beach Airport.
- Supplier: Brüel & Kjaer EMS, Inc.
- Term: One year, commencing December 1, 2019 through November 30, 2020.
- Options to Extend: The agreement will provide four one-year options to extend the term.
- Service Fee: Annual service fee of \$247,851.
- Service Fee Increases: Annual service fee increases will be based on the annual Consumer Price Index (CPI), if an option to extend is exercised.
- Additional Services: Brüel & Kjaer EMS, Inc., provides an option for a one-time upgrade of 17 noise monitors in the initial year for \$340,425. Additional services are also available for replacement, modification or enhancement of software and hardware during the contract period. Costs for these additional services are outside of the annual service fee. A contingency of \$50,000 annually for additional services is included as an estimate for the initial term and for additional terms if an option to extend is exercised.

A competitive procurement process for the maintenance and support of the ANOMS is not feasible due to the proprietary nature of the equipment and the uniqueness of the installation at the Airport. The ANOMS hardware/software components are proprietary to B&K. The associated hardware and software combination was designed by B&K and is used solely with B&K solutions. Due to the uniqueness and enforcement requirements of the Noise Ordinance, the Airport ANOMS installation includes customized data collection and processing algorithms specific to the Airport. The software stores historical data in customized databases and includes specialized reporting tools that were developed and maintained only by B&K.

City Charter Section 1801 requires that contracts for City purchases be awarded to the lowest responsible bidder after a competitive bid process but allows for awards without a competitive bid process if accompanied by a Resolution adopted by the City Council.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on October 9, 2019, Purchasing Agent Tara Yeats on October 10, 2019, and by Budget Analysis Officer Julissa José-Murray on October 23, 2019.

TIMING CONSIDERATIONS

City Council action is requested on November 12, 2019, to expedite the execution of the agreement and to prevent a lapse in service for maintenance of the Airport's ANOMS.

FISCAL IMPACT

The annual contract amount for the initial year is \$297,851, including a contingency of \$50,000. Utilizing an estimated annual CPI increase of 3.5 percent, the total service fee per the Agreement for the total five-year term proposed, including a one-time upgrade of equipment of \$340,425, and a \$50,000 contingency per year for additional services, is approximately \$1,919,518. This reflects a \$55,545 total increase from the previous three-year contract with B&K, and a one-time equipment upgrade cost of \$340,425. The annual service fee payment of approximately \$247,851 is budgeted in the Airport Fund Group in the Airport Department. An appropriation increase in the amount of \$340,425 in the Airport Fund Group in the Airport Department is requested, offset by funds available. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CYNTHIA GUIDRY
DIRECTOR, LONG BEACH AIRPORT

APPROVED:


THOMAS B. MODICA
ACTING CITY MANAGER

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 ANNUAL AMOUNT NOT TO EXCEED \$297,851 FOR A PERIOD OF ONE YEAR WITH THE OPTION TO RENEW FOR FOUR ADDITIONAL ONE-YEAR PERIODS, PLUS A ONE-TIME EQUIPMENT UPGRADE IN THE AMOUNT OF \$340,425

WHEREAS, the Long Beach Airport utilizes the Airport Noise and Operations Monitoring System ("ANOMS") to enforce the City's noise compatibility ordinance; and

WHEREAS, the City's noise ordinance (LBMC Chapter 16.43) 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; and

WHEREAS, a competitive bid process was conducted in 1991 for an ANOMS, which resulted in an award to Lochar Corporation, predecessor in interest to Bruel & Kjaer EMS Inc.; and

WHEREAS, the installation of the ANOMS system enabled 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; and

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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1 WHEREAS, due to the unique nature and enforcement requirements of
2 LBMC 16.43, the ANOMS installation includes customized data collection and processing
3 algorithms specific to the Long Beach Airport; and

4 WHEREAS, the associated hardware/software combination was designed by
5 Bruel & Kjaer EMS Inc. and is used solely with Bruel & Kjaer EMS Inc. solutions; and

6 WHEREAS, Bruel & Kjaer EMS Inc. is the only company capable of providing
7 technical support and services needed for maintaining, upgrading and supporting the
8 ANOMS system; and

9 WHEREAS, no useful purpose would be served by advertising for bids and
10 to do so would constitute an idle and useless act and an unnecessary expenditure of public
11 funds because Bruel & Kjaer EMS Inc. is the only corporation, firm or individual that could
12 or would bid for the maintenance, upgrade and support of the Airport Noise and Operations
13 Monitoring System;

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

16 Section 1. The City Manager is hereby authorized to enter a contract,
17 without advertising for bids, with Bruel & Kjaer EMS Inc. for the maintenance, upgrade and
18 support of the Airport Noise and Operations Monitoring System (ANOMS) for a period of
19 one (1) year with the option to extend for two (2) additional one-year periods in an annual
20 amount not to exceed Two Hundred Forty-Seven Thousand Eight Hundred Fifty-One
21 Dollars (\$247,851). Plus, authorize a one-time equipment upgrade in the amount of Three
22 Hundred Forty Thousand Four Hundred Twenty-Five Dollars (\$340,425), an annual
23 contingency in the amount of Fifty Thousand Dollars (\$50,000) for additional service, and
24 a 3.5 percent annual CPI increase.. If the sole source status of Bruel & Kjaer EMS Inc.
25 changes, City shall publicly bid instead of extending the contract.

26 Section 2. This resolution shall take effect immediately upon its adoption
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2019
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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