



CITY OF LONG BEACH

LONG BEACH AIRPORT

R-22

4100 Donald Douglas Drive • Long Beach, CA 90808 • (562) 570-2600 • FAX (562) 570-2601

August 10, 2010

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 & Kjaer 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 \$813,000;

Authorize the City Manager to execute any and all documents necessary for a Noise Office Services Agreement with Brüel & Kjaer 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 \$213,464 plus a \$50,000 contingency for additional services in an amount not to exceed \$813,000 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, increase the maximum authorized amount, 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 is required to monitor noise levels for aircraft operations for enforcement of the City's Airport Noise Compatibility Ordinance (LBMC Chapter 16.43). The Ordinance creates five user groups and sets allowable annual noise budgets for each group. The Airport is responsible for the administration and compilation of the annual noise budgets. Long Beach is the only airport in the United States that uses noise budgets to separate, track and enforce its noise rules and regulations.

In 1991, the Airport installed an Airport Noise and Operations Monitoring System (ANOMS) to assist in monitoring noise levels. Currently comprising a network of 18 noise monitors measuring noise levels and a radar system feed providing desktop and

online aircraft flight track data, ANOMS enables the optimization of flight data accuracy and thoroughness for monitoring and compiling the Annual Noise Analysis Budget, the Los Angeles County Quarterly Reports, complaint investigations, community reports, aircraft noise mitigation procedures and noise violation enforcement.

On December 18, 2007, the City Council authorized the execution of an agreement with Lochard Corporation, predecessor in interest to Brüel & Kjaer EMS Inc., for the maintenance, upgrade and technical support of ANOMS. Concurrently, the City Council authorized the adoption of Resolution 07-0179 for the execution of the agreement without advertising for bids. The unique nature of ANOMS requires customized data collection processes and airport specific requirements for generating reports and storing historical data in customized databases that are developed and maintained only by the manufacturer. Due to the proprietary nature of the equipment, a competitive bid process is infeasible. Currently, there are only two manufacturers who provide this type of equipment and service.

The agreement will terminate on September 17, 2010. In order to continue technical service and support of ANOMS, staff has negotiated a Noise Office Services Agreement containing the following major terms and provisions:

- Customer: City of Long Beach, Long Beach Airport.
- Supplier: Brüel & Kjaer EMS Inc., a Delaware corporation.
- Term: Initial term of one year and twelve days, commencing September 18, 2010 through and including September 30, 2011.
- Options to Extend: The Agreement shall provide for two one-year options to extend the term.
- Service Fee: The annual service fee of \$213,464 shall be composed of the following services:

ANOMS Maintenance and Support	\$152,824 annually
FAA Radar Data Subscription	\$ 22,086 annually
Flight Tracking Data Subscription	\$ 38,554 annually

- 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 & Kjaer 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.

HONORABLE MAYOR AND CITY COUNCIL

August 10, 2010

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This letter was reviewed by Deputy City Attorney Richard F. Anthony on July 12, 2010, and Budget Management Officer Victoria Bell on July 14, 2010.

TIMING CONSIDERATIONS

City Council action is requested on August 10, 2010, in order to execute 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 \$663,000. Allowing for a \$50,000 contingency per year for Additional Services provides for a total not to exceed amount of \$813,000.

Annual payment for FY 11 of approximately \$263,464 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 impact to the General Fund and no impact to local jobs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MARIO RODRIGUEZ
DIRECTOR, LONG BEACH AIRPORT

MR:JMLR
Attachment

APPROVED:



PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO.
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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO EXECUTE A CONTRACT AND ANY
6 AMENDMENTS THERETO WITH BRÜEL & KJAER EMS
7 INC. WITHOUT ADVERTISING FOR BIDS FOR THE
8 MAINTENANCE, UPGRADE AND SUPPORT OF THE
9 LONG BEACH AIRPORT NOISE AND OPERATIONS
10 MONITORING SYSTEM (ANOMS) IN AN AMOUNT NOT
11 TO EXCEED \$813,000
12

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

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

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

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

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

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

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
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 is hereby authorized to enter a contract and any amendments thereto with Brüel for the maintenance, upgrade and support of the Long Beach ANOMS System is an amount not to exceed \$813,000.

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 _____, 2010 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk