



REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

Kathryn Pantoja

Approved by: Kathryn Pantoja – Airport Environmental Manager II

Samantha Bricker

Reviewed by: Samantha Bricker – Chief Sustainability and Revenue Management Officer

D. Dy

City Attorney

Justin Erbacci

Justin Erbacci, Chief Executive Officer

Meeting Date:

4/1/2021

CAO Review:

- Completed
- Pending
- N/A

Reviewed for	Date	Approval Status	By
Finance	3/24/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	JS
CEQA	3/17/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW
Procurement	3/12/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond	QM
Guest Experience	3/22/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	TB
Strategic Planning	3/16/2020	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA	KC

SUBJECT: Contract Award to EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. and Appropriation of Capital Funds for Noise and Operations Monitoring System Replacement and Ongoing Maintenance

Award a five-year contract (with two three-year options to extend) to EMS Brüel & Kjær, Inc. dba Envirosuite, Inc., commencing July 1, 2021, for an amount not to exceed \$7,725,732, to replace the existing Noise and Operations Monitoring System at Los Angeles International Airport and Van Nuys Airport, and provide ongoing maintenance services of such system; and appropriate capital funds in an amount not to exceed \$3,021,506 to cover capital expenditures associated with this project.

RECOMMENDATIONS:

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the Staff Report.
2. DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.f. and Article III, Class 2 (3) of the Los Angeles City CEQA Guidelines.

3. FIND that the work can be performed more economically or feasibly by an independent contractor than by City employees.
4. APPROVE the contract award to EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. to replace the existing Noise and Operations Monitoring System at Los Angeles International Airport and Van Nuys Airport, provide a Software as a Service (SaaS) solution, and provide ongoing maintenance of such system, for an amount not to exceed \$7,725,732, for a contract term of up to eleven years, with an initial five-year term and two three-year options to extend. The effective date of the contract is July 1, 2021.
5. APPROPRIATE capital funds in an amount not to exceed \$3,021,506 to cover capital expenditures associated with this project.
6. AUTHORIZE the Chief Executive Officer to execute this contract and exercise options, upon approval as to form by the City Attorney, and approval by the Los Angeles City Council.

DISCUSSION:

1. Purpose

Approval of this contract will enable Los Angeles World Airports (LAWA) to replace the existing Noise and Operations Monitoring System (NOMS) at Los Angeles International Airport (LAX) and Van Nuys Airport (VNY), and provide ongoing related maintenance of the system. The existing system has reached its end-of-life cycle and will require replacement to ensure a properly functioning system. Staff uses this system to measure aircraft noise levels, monitor and enforce noise abatement programs, investigate and respond to noise comments, and produce noise reports and contour maps, in accordance with California Code of Regulations (CCR), Title 21, Airport Noise Standards requirements.

2. Prior Related Actions

- April 18, 2005 – Resolution No. 22668 (DA-4028)
The Board of Airport Commissioners (Board) awarded a three-year contract to Lochard Corporation to develop and implement a new Noise and Operations Monitoring System (NOMS) at LAX, ONT and VNY for an amount not to exceed \$3,264,700.
- May 19, 2008 – Resolution No. 23568 (DA-4028A)
The Board amended the original contract to increase contract authority by \$781,760 to allow Lochard Corporation to perform necessary additional work to complete system development and implementation.
- July 18, 2011 – Resolution No. 24496 (DA-4628)
The Board awarded a three-year contract to Brüel & Kjær (formerly Lochard Corporation) for maintenance and support services of NOMS for a total amount not to exceed \$1,485,701.

- June 25, 2014 – Resolution No. 25430 (DA-4628A)
The Board approved the First Amendment to Contract No. DA-4628 with Brüel & Kjær EMS Inc. to add three years to the contract term, with a three-year renewal option, and increase contract authority by \$3,483,072, for maintenance and support services of NOMS. In 2018, Brüel & Kjær EMS, Inc. changed its name to EMS Brüel & Kjær, Inc.
- May 7, 2020 – Resolution No. 27010 (DA-4628B)
The Board approved the Second Amendment to Contract DA-4628 with EMS Brüel & Kjær, Inc. to extend the term by one year, with one six-month renewal option, and add \$825,335 in contract authority, covering maintenance and support services for the NOMS at LAX and VNY. This contract amendment enabled LAWA to prepare and conduct a competitive procurement for a new system while continuing to use the existing system to perform critical noise management tasks. This contract is set to expire on June 30, 2021.

3. Current Action

Background

The NOMS consists of proprietary software programs, noise monitoring hardware, and various data feeds, which collectively provide information and tools for staff to use to measure aircraft noise levels, monitor and enforce noise management programs, investigate and respond to noise comments, perform aircraft noise analyses, and produce noise reports and contour maps, in accordance with CCR Title 21 requirements.

LAX and VNY have a number of noise monitors based on the airport's operational level and the extent of the noise exposure on surrounding communities. Currently, LAX has 39 permanent monitors and VNY has 7 permanent monitors. NOMS collects noise data from these noise monitors and correlates it with flight track data obtained from the FAA radar system to determine aircraft noise events, and displays this information on a user interface for staff to review, query, analyze, and use for all noise management programs and functions.

The NOMS also includes two other critical integrated software programs. The first is the online flight tracking system, WebTrak, that allows residents to view and identify aircraft operations and submit noise comments for specific flights. The second is a noise comment management system, called Viewpoint, that enables staff effectively to receive and manage noise comments and allows them to investigate and respond to these comments. Viewpoint also allows residents several options of submitting noise comments, such as using a mobile app, an online comment form, WebTrak, or calling the noise comment hotline.

The existing NOMS has well surpassed its ten-year service life. Since the manufacturer no longer produces replacement parts for the system's hardware, including all permanent noise monitors at both airports, existing parts have had to be refurbished to support current maintenance. While the system's software is current and operational, the hardware components of the system will require replacement to ensure proper operation. Furthermore, additional extension of the existing contract was not consistent with the City Charter and Administrative Code, which prompted LAWA to initiate the procurement process in late 2020 to seek and establish a new system.

Procurement Process

On September 20, 2020, LAWA issued and posted a Request for Proposals (RFP) on the Los Angeles Business Assistance Virtual Network for a period of seven weeks, to solicit proposals from qualifying firms that may be interested in providing the requested services of replacing the existing NOMS and performing ongoing system maintenance.

On November 4, 2020, LAWA received proposals from the following three firms:

- BridgeNet International
- Casper Airport Solutions Inc.
- EMS Brüel & Kjaer, Inc.

The firms that submitted proposals were evaluated according to the evaluation criteria listed below:

	Evaluation Criteria	Points
1	Scope of Work and Approach	45
2	Qualifications and Experience	25
3	Cost	20
4	Inclusivity Plan	10
	Total Points	100

The evaluation panel was comprised of:

- Information Systems Manager II
- Chief Management Analyst
- Chief Sustainability and Revenue Management Officer
- Airport Environmental Manager II
- Environmental Supervisor II

The evaluation panel reviewed the written proposals and subsequently invited all three firms to participate in an oral interview on December 7-8, 2020, to allow them the opportunity to clarify and expand on aspects of their proposal, and to provide a live demonstration of their system. After completing the evaluation process, the selection panel unanimously selected EMS Brüel & Kjaer (the entity receiving the highest point total) as the most qualified firm to provide the required services. The panel found EMS Brüel & Kjaer demonstrated extensive knowledge and experience in developing, designing, and maintaining many systems across the country, as well as serving the majority of the airports in California, and the firm has an extensive understanding of Title 21 requirements pertaining to the noise monitoring system and placement of the noise monitoring terminals. EMS Brüel & Kjaer also has the capacity and resources to carry out this project in the most efficient and cost-effective manner, with its local staff stationed in Los Angeles, and to provide replacement parts, troubleshooting, and maintenance support of the NOMS hardware and software components in a timely manner. The other firms did not have the same level of experience, qualifications, or resources as EMS Brüel & Kjaer, to carry out the requested services effectively.

Staff then worked with EMS Brüel & Kjaer, Inc. to negotiate the contract services and costs. EMS Brüel & Kjaer, Inc. provided cost options for consideration that are dependent on the duration of the contract term. As the NOMS is designed to provide a minimum life

expectancy of ten years and is considered to be a long-term capital investment for LAWA, staff determined it would be most advantageous and cost effective to proceed with a service contract that will cover the system's life expectancy, to ensure LAWA's investment is protected and amortized by having continuous support from the manufacturer, and having a system that will remain operational for many years to come. The NOMS solution also includes a Software as a Service (SaaS) subscription solution that allows the system and data to be hosted remotely, thereby reducing internal resources and maintenance costs. The proposed contract includes a five-year initial term, with two three-year options to extend, which would provide LAWA with up to eleven years of services.

The service agreement for the initial five-year contract term consists of two phases: the project implementation phase and the maintenance phase. The two three-year options to extend primarily would provide subscription and maintenance services.

Project Implementation Phase – This phase includes the following key services and is expected to be completed within the first year of the contract.

- Replace seven noise monitoring terminals (NMTs) at VNY and 26 NMTs at LAX, with the latest noise monitoring equipment and related components for these sites.
- Conduct a site assessment of these noise monitoring locations to evaluate the structural integrity and determine whether to reuse the existing infrastructure (foundations, poles and masts). It currently is anticipated, based on a preliminary inspection, that most of the existing infrastructure can be reused.
- Decommission 14 existing NMTs at LAX by removing all devices, poles, foundations, and any other equipment, and returning these sites to their original state. These 14 sites are not required by CCR Title 21 since they are located well outside the 65 dB Community Noise Equivalent Level (CNEL) noise impact area (pre-COVID 19 noise levels) and posed ongoing challenges to maintain. Removal will reduce recurring maintenance costs.
- Upgrade the existing NOMS software to the latest version with a focus on enhancing the integration of air traffic control communications and the usability of the software.
- Provide Title 21 Certification Plan, which includes a description of the process and all required documentation.
- Perform threshold analysis on all noise monitoring terminal locations to ensure the noise monitors capture aircraft noise and not other noise sources.
- Perform all other required functions and tasks as described in the service contract.

Maintenance Phase – The maintenance phase includes the following key services and is expected to commence on the effective date of the contract and continuing through out the contract term.

- Diagnose, repair and replace all NOMS hardware and software components
- Provide replacement parts for all noise monitors
- Perform annual calibration on all permanently installed noise monitors
- Maintain wireless communication service accounts for all noise monitors
- Maintain WebTrak Internet Flight Tracking Systems

- Maintain Viewpoint Noise Comment Management Systems
- Provide technical support
- Provide software patches, updates and system upgrades
- Provide flight track data
- Provide flight data files for noise modeling systems
- Provide system hosting services

The maintenance service initially will cover the existing NOMS at LAX and VNY to ensure that it remains operational until the new system is in place. Once the replacement project is completed, the maintenance service will shift over and cover the new system for both airports.

In addition to the services noted above, the contract also includes other optional services that can be implemented on an as-needed basis during the contract term. Such optional services include installing up to two new NMTs at LAX to better define the 65 dB CNEL noise impact area, deploying portable monitors in residential areas to conduct noise analyses, enhancing or replacing the current ATC communications system to improve reception, creating additional custom Power BI reports, and performing other tasks. Staff will consider implementing these services upon evaluating the necessity of and business case for conducting such services, thereby providing needed flexibility.

The cost elements under this contract for providing all these required and optional services, for a total contract term of eleven years, are noted in the table below.

EMS Brüel & Kjaer Contract Elements – (Includes Capital and Operating Costs)			
Description	LAX	VNY	Total
Project Implementation and Maintenance Services for Initial 5-Year Term	\$2,575,870	\$786,217	\$3,362,087
Renewal Options for Maintenance Services for Years 6-11	\$2,284,501	\$761,501	\$3,046,002
Optional Additional Services <i>Includes up to 2 new NMTs, portable noise monitoring, and other items to be used as needed within 5-year initial term.</i>	\$490,479	\$124,826	\$615,305
Contingency <i>Covers any unforeseen items, damage to NMTs, and consumable expenses throughout the 11-year term.</i>	\$526,753	\$175,585	\$702,338
Total Cost by Airport	\$5,877,603	\$1,848,129	
Not-to-Exceed Contract Value			\$7,725,732
Note: Maintenance services include an annual (2%) Consumer Price Index (CPI) adjustment after 1st year of contract.			

Funding for the capital elements of this project have been included in the Capital Improvement Program (CIP). The CIP will cover the project implementation phase such as the installation, replacement, and decommissioning of noise monitors, plus other related tasks and services. Estimated capital expenditures are as follows:

Estimated Capital Expenditures for NOMS Replacement Project for Initial 5-Year Term			
Description	LAX	VNY	Total
<i>Capital Expenditures associated with Contract</i>			
Project Implementation Costs <ul style="list-style-type: none"> • Replacement of 33 NMTs • Decommissioning of 14 NMTs • Installation of 2 new NMTs • 5-Year SaaS Subscription 	\$1,815,178	\$538,829	\$2,354,007
Project Contingency	\$67,318	\$28,850	\$96,168
Subtotal	\$1,882,496	\$567,679	\$2,450,175
<i>Other Capital Expenditures to Support Project Implementation</i>			
Infrastructure Hardware Allowance (Upgrade of ATC communication equipment, server room, etc.)	\$49,000	\$21,000	\$70,000
Project Soft Costs <ul style="list-style-type: none"> • 3rd Party Technical Oversight • LAWA IT Project Management 	\$350,932	\$150,399	\$501,331
Subtotal	\$399,932	\$171,399	\$571,331
Total Estimated Capital Expenditures	\$2,282,427	\$739,079	\$3,021,506
Note: Costs for individual line items may vary, but the total capital expenditures shall not exceed \$3,021,506.			

How this action advances a specific strategic plan goal and objective

This action advances this strategic goal and objective: *Sustain a Strong Business: Operate sustainably – balancing economic, social and environmental responsibilities.* The NOMS is the core system that LAWA uses to measure aircraft noise levels, monitor and enforce noise abatement programs, investigate and respond to noise comments, perform aircraft noise analyses, and conduct other facets of the noise management programs. These are all key elements of the noise management programs to meet applicable federal, state, and local regulations. This system also provides interactive platforms (e.g., WebTrak and ViewPoint) for the public to share noise concerns, obtain helpful information, and enhance their understanding of aircraft noise issues. In addition, the NOMS allows staff to achieve the Key Performance Indicators for noise comment response established for LAX and VNY.

Action Requested

Staff requests that the Board approve the contract award to EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. to replace the existing NOMS at LAX and VNY, and provide ongoing maintenance of such system, for an amount not to exceed \$7,725,732, for a contract term of up to eleven years, with an initial five-year term, and two three-year options to extend. The effective date of the contract is July 1, 2021.

Additionally, staff requests that the Board further authorize the appropriation of \$3,021,506 of capital funds to cover capital expenditures associated with the project implementation that consists of the installation, replacement, and decommissioning of noise monitors at both airports, and other related tasks and services, for the initial five-year term.

Fiscal Impact

The Noise and Operations Monitoring System at LAX and VNY is programmed in LAWA's 10-Year Capital Improvement Plan (CIP), with a direct project budget of \$3,556,025, which includes hard costs, soft costs, and contingency. As the amount of the direct budget to be capitalized is only \$3,021,506, adoption of this report will result in no net increase to the CIP.

Funding for the remaining costs of the contract, which primarily consists of maintenance and other essential services, will come from future operating budgets. Further details of the funding allocation are discussed in the appropriations section of the report.

Costs incurred under this contract will be recovered through landing fees.

4. Alternatives Considered

- ***Take No Action***

Staff considered deferring or eliminating this item. However, since the current contract expires on June 30, 2021, LAWA would have no way of maintaining the system to collect the necessary data to report on noise levels as required by CCR Title 21 and other Noise Variance requirements.

- ***Use LAWA staff to perform the work***

Staff considered performing this work in-house. However, upgrading, maintaining and servicing the complex hardware and software components of NOMS requires specialized skills, knowledge and replacement parts that are only available from the manufacturer. Staff does not have the necessary skills or equipment to perform this work. In addition, since the software is proprietary, LAWA staff would not be able to upgrade the system as required for system security, compatibility and functionality, and would not be able to fix any software malfunctions in the future.

APPROPRIATIONS:

Staff requests capital funds for this project in the amount of \$2,282,427 for LAX, to be appropriated and allocated from LAX Revenue Fund to WBS Element 1.21.03A-700, and \$739,079 for VNY, to be appropriated and allocated from VNY Revenue Fund to WBS Element 3.21.01A-700, for a total appropriation of \$3,021,506 capital funds. If additional capital funding is needed at a later time for this project, staff will request Board approval for additional capital appropriation separately.

Funding for the remaining costs of the contract, which primarily consists of maintenance and other essential services, will come from the operating budget and will be requested in the annual operating budget process. Funding need for Fiscal Year 2021-22 is included in the Los Angeles World Airports Operating Budget in Cost Centers 1140006 – Noise Management Section and 1400009 – VNY Noise Management, under Commitment Item 520 – Contractual Services.

STANDARD PROVISIONS:

1. This item, as a continuing administrative, maintenance and personnel-related activity, is exempt from California Environmental Quality Act (CEQA) requirements pursuant to Article II, Section 2.f. of the Los Angeles City CEQA Guidelines. In addition, replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity is exempt from CEQA requirements pursuant to Article III, Class 2 (3) of the Los Angeles City CEQA Guidelines.
2. This proposed document(s) is/are subject to approval as to form by the City Attorney.
3. Actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373.
4. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. is required by contract to comply with the provisions of the Living Wage Ordinance.
5. Procurement Services has reviewed this action (File No. 9553) and established a mandatory 5% Small Business Enterprise goal for this project. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. proposed 5% SBE participation.
6. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. is required by contract to comply with the provisions of the Affirmative Action Program.
7. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has been assigned Business Tax Registration Certificate No. 0000298678-0001-6.
8. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. is required by contract to comply with the provisions of the Child Support Obligations Ordinance.
9. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. must have approved insurance documents, in the terms and amounts required, on file with the Los Angeles World Airports prior to execution of the contract.

10. Pursuant to Charter Section 1022, staff determined the work specified on this contract can be performed more feasibly and economically by Independent Contractors than by City employees.
11. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has submitted the Contractor Responsibility Program Pledge and will comply with the provisions.
12. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has been determined by Public Works, Office of Contract Compliance to be in compliance with the provisions of the Equal Benefits Ordinance.
13. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. will be required to comply with the provisions of the First Source Hiring Program for all non-trade LAX Airport jobs.
14. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has submitted the Bidder Contributions CEC Form 55 and will comply with its provisions.
15. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has submitted the Municipal Lobbying Ordinance CEC Form 50 and will comply with its provisions.
16. EMS Brüel & Kjær, Inc. dba Envirosuite, Inc. has submitted the Iran Contracting Act Affidavit and will comply with its provisions.