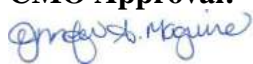




CITY COUNCIL ACTION REQUEST

Department(s): Airport	CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action	Coordination: City Attorney's Office, City Manager's Budget Office	Dept. Approval: /s/ John Aitken
Council District(s): Citywide			CMO Approval:  5/28/2020

SUBJECT: SECOND AMENDMENT TO MASTER CONSULTANT SERVICES AGREEMENT WITH DAVID J. POWERS & ASSOCIATES FOR AIRPORT ENVIRONMENTAL ANALYSIS SERVICES

RECOMMENDATION:

Approve a Second Amendment to the Master Consultant Services Agreement with David J. Powers & Associates for Airport environmental analysis services, increasing maximum compensation from \$1,250,000 to \$1,850,000, and extending the term from June 30, 2020 to June 30, 2023.

BASIS FOR RECOMMENDATION:

The City has historically procured technical and regulatory environmental consultant services to support projects and programs at the Mineta San Jose International Airport, including preparation of environmental impact analysis documents in compliance with State "CEQA" and federal "NEPA" regulations. In June 2017, following a competitive procurement process, Council approved a master services agreement for environmental analysis services with David J. Powers & Associates, a Local Business Enterprise and Small Business Enterprise (LBE/SBE), for a three-year term and maximum compensation of up to \$250,000. In December 2018, upon the Administration's initiation of efforts to prepare a new Environmental Impact Report (EIR) for a proposed update to the Airport Master Plan for San Jose International, Council approved a First Amendment to the agreement to increase maximum compensation to \$1,250,000.

Under a master services agreement, each individual task to be performed is negotiated and assigned by staff as a formal Service Order contingent on funding availability. For the existing consultant agreement with David J. Powers, four Service Orders have been issued to date, in total encumbering the entire \$1,250,000 maximum compensation allowed, the bulk of which was for the new Airport Master Plan EIR (certified by Council on April 28, 2020). To ensure that the consultant remains available to provide continued as-needed airport environmental services, including assistance/guidance in implementing required Airport Master Plan EIR mitigation measures, an amendment that adds \$600,000 and extends the term of the master services agreement is now proposed.

San José Municipal Code Section 4.12.210 requires that the City engage in a competitive procurement on all professional services contracts including consultant agreements with a payment amount exceeding \$10,000. Council may make a determination that an unusual or unique situation exists that makes the application of the requirements for competitive procurement of the services included in the consultant agreement amendment contrary to the public interest. Staff recommends that Council determine that it is not practicable to engage in a new competitive procurement, because a continuation of the consultant's services is critical to accomplishing as-needed technical and specialized aviation analyses that consultant is uniquely suited to provide based upon its experience and familiarity with these issues at the Airport. David J. Powers has served as the Airport's CEQA and NEPA consultant for many years and was the only consultant firm that had responded to the City's 2017 RFQ for the current Agreement. The firm is thoroughly familiar with Airport operations, existing and proposed improvement projects, and the detailed

mitigation measures in the new EIR for the amended Airport Master Plan (approved by Council on April 28, 2020) that need to be implemented as part of the updated Airport capital program. A new RFQ process for airport environmental analysis services will be conducted in early 2023.

This Consultant Agreement, as amended, will continue to support the ongoing operation and development of the Airport consistent with the goals and policies of the City General Plan and Airport Master Plan.

COST AND FUNDING SOURCE:

The recommended actions in this memorandum will allow for the execution of Master Agreements for an aggregate amount not to exceed \$1,850,000. The budget for these agreements is included in the following appropriation: Advanced Planning (Appn #4007) in the Airport Renewal and Replacement Fund. The Proposed Budget for Advanced Planning for 2020-2021 is \$600,000, subject to City Council approval on June 15, 2020. The ability to spend against these agreements is subject to the appropriation of funds.

FOR QUESTIONS CONTACT: John Aitken, Director of Aviation, 408-392-3610