

**A RESOLUTION  
BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO CONTRACT FC-6006007882 NOISE INSULATION PROGRAM WITH THC, INC., AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) entered into Contract FC-6006007882 Noise Insulation Program on behalf of the Department of Aviation at Hartsfield-Jackson Atlanta International Airport (“H-JAIA”), dated November 27, 2007; and

**WHEREAS**, the Noise Insulation Program is being implemented to provide aircraft noise mitigation measures to eligible structures in the jurisdiction surrounding the H-JAIA; and

**WHEREAS**, the compensation section of the Contract calls for THC, Inc. to be compensated by a direct hourly rate and multiplier method; and

**WHEREAS**, accordingly, the DOA and THC, Inc. have entered into negotiations regarding the compensation terms of the Contract, the overall Contract schedule, and other terms and conditions of the Contract and have come to an agreement which requires an Amendment to the Contract; and

**WHEREAS**, the parties desire to amend the Contract to more specifically address compensation terms under it and provide for the addition of additional contractors/consultants to provide services under the Contract.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor is authorized to execute an Amendment to FC-6006007882 Noise Insulation Program with THC, Inc. on behalf of the Department of Aviation.

**BE IT FURTHER RESOLVED**, that the City Attorney is hereby directed to prepare an appropriate Amendment to the Contract for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the Amendment will not become binding on the City and the City will incur no liability under it until the Amendment has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to THC, Inc.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

<p><b>A. To be completed by Legislative Counsel:</b></p> <p><b>Committee of Purview:</b></p> <p><b>Caption:</b></p> <p><b>Council Meeting Date:</b></p> <p><b>Requesting Dept.:</b></p> <p><b>FAC Confirmed by:</b></p>
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**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to authorize the Mayor to execute an Amendment to Contract FC-6006007882 Noise Insulation Program with THC Inc.

**2. Please provide background information regarding this legislation.**

The City of Atlanta historically has implemented aircraft noise mitigation measures to eligible structures in the jurisdictions surrounding the Hartsfield-Jackson Atlanta International Airport (HJAIA) to reduce the impacts of aircraft noise and continues to do so. To support the noise mitigation measures the City entered into a Contract with THC Inc. in November 2007 to implement a Noise Insulation Program consisting of Out-reach, design, construction, project management, and legal document processing components. THC Inc. has submitted their initial Task Order proposal which contained several compensable items which were not authorized in the Contract. These items included THC Inc mark-ups on subcontractor work, THC fees for construction, local in town mileage reimbursement, home Office overhead etc. The Department of Aviation and THC Inc. began discussions regarding these compensation items based on the entire scope of the project. The DOA and THC Inc. have agreed to a revised compensation terms and conditions, updated the schedule requirements and made several adjustments to the terms and conditions of the Contract which now requires a formal Amendment to the contract.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services

(b) **Source Selection:** Sealed Proposals

- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received: 2
- (g) Bidders/Proponents: THC Inc.; C & S Engineers
- (h) Term of Contract: 3 years with 2 1 year renewal options

4. Fund Account Center (*Ex. Name and number*): N/A

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant* N/A

6. Fiscal Impact: \$0.00

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery:

*Examples:*

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Violet Williams-Crawford

## TERM SHEET

*Amend the terms and conditions of Contract FC-6006007882 Noise Insulation Program and issue Task Orders to THC, Inc.*

### **Background**

1. The City of Atlanta historically has implemented aircraft noise mitigation measures to eligible structures in the jurisdictions surrounding the Hartsfield-Jackson Atlanta International Airport (HJAIA) to reduce the impacts of aircraft noise and continues to do so. The Department of Aviation (DOA) and the Federal Aviation Administration (FAA) have performed noise analyses at HJAIA for over 25 years. During that time the DOA has maintained a comprehensive noise mitigation program consisting of property acquisition and relocation, aviation easements and noise insulation of single and multi-family homes along with other eligible structures. The DOA commissioned a FAR Part 150 Study in 2003 as part of an overall noise mitigation plan. The study participants included the FAA, Environmental Protection Agency (EPA), airlines, cargo carriers and pilots operating at the airport; State and local elected officials, planning and zoning department representatives, school board officials the general public and representatives of the DOA. The noise insulation scope of this program is based on the draft Part 150 2010 Study noise contours associated with aircraft operations at HJAIA.
2. This Program is to provide community outreach, design and construction services for noise insulation measures to aircraft noise-sensitive structures bordering the Hartsfield-Jackson Atlanta International Airport. The structures include single-family homes, apartment buildings, schools, daycare centers and churches. Noise Insulation measures will be implemented in impacted structures that are not eligible for acquisition by the DOA. A professional services contractor, THC, has formed a Noise Insulation Team (NIT) to provide all services required to deliver a turn-key project. The services include, but are not limited to:
  - Development of a Program implementation plan that will develop project specific processes and procedures
  - Establish a residential construction materials product showroom
  - Implement Community and Local contractor Outreach Programs
  - Design services – will develop and issue the drawings and specifications that detail the noise insulation measures required to attain a structure interior noise level created by aircraft noise of 45 DNL.
  - Construction services to install the noise insulation measures are detailed in the drawings and specifications.
3. It is necessary to enter into this amended agreement with THC in order to provide for accomplishment of the work and reimbursement of the cost thereof by the City.

## Terms of the Amended Contract

### **1. Compensation**

- THC and Consultants Multipliers – No Change
- Markup on Consultants – None
- Construction Services Fee – 6% of approved construction costs
- The Billing Rate Schedule included in the original contract does not include all of the positions that will be needed to implement and complete the project. This amendment updates the Billing Rate Schedule and adds Consultants and their rates that were not originally part of the Noise Insulation Team. The revised billing rates include some reductions and a limited number of increases in hourly rates to bring them all in line with industry standards.
- Reimbursable Expenses are to be billed in accordance with the amended agreement “Exhibit B Reimbursable Expenses for Professional Services”. The reimbursable expenses will include but not be limited to costs to build a product showroom, monthly rent on the showroom and office space, Pollution Control Insurance, computer software and hardware and certain travel costs.

### **2. Schedule**

- The language in the amendment calls for extending the effective date of the Agreement to the effective date of the Amendment. This will allow the NIP to not lose any duration for implementing the Noise Insulation Program because of the time loss in negotiating and receiving approval of this Amendment.

### **3. Clarify Contract Language**

- Definitions were revised to include the correct reference to the Assistant Aviation General Manager (AAGM) as opposed to the Aviation General Manager (AGM). The term Contractor as it applies to this project was clarified in Article 1.6. A definition was added for Subcontract as it applies to this contract.
- Language was revised throughout the agreement to clarify intent and to add more explicit language that describes the terms and conditions.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 8/13/08

Anticipated Committee Meeting Date(s): 8/27/08

Anticipated Full Council Date: 9/02/08

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: Adan Ramirez

**CAPTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO CONTRACT FC-6006007882 NOISE INSULATION PROGRAM WITH THC, INC., AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 8.13.08 [Signature] Reviewed by: Amc 8/14/08  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)