

COUNTY OF MILWAUKEE INTER-OFFICE COMMUNICATION

DATE: October 1, 2021

TO: Supervisor Marcelia Nicholson, Chairperson, County Board of Supervisors

FROM: Suzanne Carter, Interim Director – Procurement Division, Department of Administrative Services

SUBJECT: **From the Interim Director of the Procurement Division an informational report regarding a request for proposals for a comprehensive sound study at the Rock Sports Complex**

ISSUE

Per Milwaukee County File 20-510, File 20-872, and the 2021 Adopted Budget, the Milwaukee County Board requested that Department of Administrative Services – Procurement Division (“Procurement”) conduct a Request for Proposals (“RFP”) for a comprehensive sound study at the Rock Sports Complex to ensure that the operator of the facility, BPC County Land, LLC (the “Developer”), is complying with contractual noise requirements.

The County issued an intent to award to Resource Systems Group, Inc. (“RSG”) pursuant to the RFP. However, RSG’s proposal costs \$309,900, and the County has allocated \$50,000 toward the comprehensive sound study, so additional funds must be allocated if the County wishes to pursue the sound study.

BACKGROUND

Milwaukee County is the owner of a former landfill known as Crystal Ridge in the City of Franklin. Since 2011, this area has been operated as an outdoor sports recreational facility known as The Rock Sports Complex. In 2017, the County entered into a new long-term agreement with the Developer to enable the Developer to develop a portion of the landfill as a mixed-use destination district, the Ballpark Commons.

The 2017 agreement is structured so that the Developer is granted an option to purchase certain portions of the premises contingent upon requirements, including noise mitigation obligations. These requirements are set forth in Milwaukee County File 17-598. County officials have received numerous complaints regarding noise emanating from the premises.

Request for Sound Study

Through Milwaukee County File 20-510, the Milwaukee County Board of Supervisors requested that the Department of Parks, Recreation, and Culture perform a comprehensive sound study at The Rock Sports Complex, including all entertainment activities, to ensure that the Developer was complying with the noise mitigation

requirements contingent upon the option to purchase. Parks provided an informational report responding to this request with Milwaukee County File 20-872. Parks stated that it was unable to conduct the sound study due to lack of specific expertise as well as the large volume of data collected at The Rock Sports Complex. In response, the County Board requested that the Department of Administrative Services – Procurement Division ("Procurement") conduct a Request for Proposals (“RFP”) for the comprehensive sound study and administer the contract resulting from the RFP.

2021 Request for Proposals

On April 9, 2021, Procurement issued an RFP for the sound study.

The RFP was advertised in the Daily Reporter. Notice of the RFP was sent via email to all (approximately one hundred thirty) known members of the National Council of Acoustical Consultants. The RFP was also noticed via the County's e-notify system to all of the individuals registered in the consulting services and professional services categories. Finally, the RFP was sent to contractors registered nationwide with the acoustic engineering commodity code on Bonfire, the County's public procurement portal.

The scope of services included within the RFP states that the contractor will perform the following services:

PHASE I

Project Kick-off

- A. Initial Meeting. Meet with the County to discuss project expectations, approach, deliverables and finalize project timeline.
- B. Plan Preparation. Present a document for the County’s approval that describes the sound sampling schedule, sampling locations, sampling duration, personnel involved, sound collection protocols, data management procedures, and analysis procedures. It is anticipated that this monitoring plan will also complement the methods section for the Report deliverable, as set forth in Phase IV.
- C. Data Review. Review available existing and collected data, including data from sound monitoring equipment, from Milwaukee County, the City of Franklin, and the Village of Greendale.
- D. Literature Review. Review and make recommendations for sound sensitivity ranges for the following groups: (i) humans (including infants, children, and elderly humans, if ranges differ), non-human mammals, birds, reptiles, amphibians, and insects.

PHASE II

Perform Comprehensive Sound Study

- A. Topographical Review. Conduct a full topographical review of the Ballpark Commons (the “Premises”) to determine the primary sound contours where noise level is increased.
- B. Event Sound Impact. Evaluate noise impact with respect to: (i) professional baseball games, (ii) the umbrella bar (live bands), (iii) the drive-in movie theater, (iv) corporate events, (v) live theater, and (vi) graduations and concerts in the

- 4,000- person stadium (the “Events”). Evaluate the duration and noise impact on Affected Area from each of the Events. Conduct measurements of noise impact throughout neighborhoods. Measurements of noise impact will be conducted without notification to Developer. Each Event type will require its own sound/acoustical study and evaluation, to determine its individual impact on the contiguous parcels and surrounding neighborhoods (the “Affected Area”). Research sound levels throughout Affected Area. Conduct public outreach to residents in the Affected Area to receive first-person accounts of noise impact.
- C. Sound System Evaluation. Evaluate and conduct inventory of the staging, engineering, and all sound systems currently in place for: (i) the umbrella bar; (ii) the drive-in movie theater; (iii) the live theater; and (iv) the 4,000-person stadium. Such evaluation shall include location, orientation, type, and broadcast range of the existing sound system design.
 - D. Traffic Sound Assessment. Determine the interplay of sound from the Premises with traffic noise on the nearby thoroughfares, including Rawson Avenue, Loomis Road, and South 76th Street; and aircraft routes from Mitchell International Airport, the impact the traffic noise has on the Premises, and the impact the noise from the Premises has on the traffic noise. Conduct a comprehensive study of local traffic noise, including auto and air noise during different times of day, for a complete understanding of the base levels and higher levels of sound at the Premises and areas Affected Area, to create a baseline of data. Research sound levels throughout Affected Area.
 - E. Time/Day Sound Assessment. Assess and document noise levels with respect to (i) time of day (including noise levels after 10:30 pm Central Time), and (ii) day of the week. Include results of public outreach in such assessment and documentation.
 - F. Monitor Location Evaluation. Evaluate the locations of the 3 Clearwing Solar Sound Monitors on the Premises to determine effectiveness of sound monitoring, appropriateness of location, appropriateness of quantity, and quality. Evaluate throughout Affected Area. When performing this step, the Contractor should ensure it accounts for the extent of the Premises and its topography changes and the extent the traffic abutting the Premises may interfere with the effectiveness of sound monitoring.
 - G. Compare Data. Compare data retrieved from the Premises with data compiled in the course of the sound study.
 - H. Compliance Evaluation. Review and provide jurisdictional, regulatory, and contractual authority for sound at Premises. Review and provide jurisdictional, regulatory, and contractual obligations for sound monitoring, including obligations regarding systems in place. Review and consider all noise-related laws, regulations, and ordinances for the City of Franklin and Village of Greendale, Milwaukee County, State of Wisconsin, and United States (including permits and curfew limitations); review and consider all noise-related standards, including those promulgated by the World Health Organization and other organizations. Determine the Developer’s compliance with all noise-related laws, regulations, ordinances, and obligations. Determine the Developer’s compliance with the noise-related aspects of the contracts with Milwaukee County and the noise-related conditions set forth in Milwaukee County File 17-598.

PHASE III

Recommendations

- A. Sound Impact. Synthesize information gathered in Phase II to understand and address the impact of noise from the Premises on Affected Area. Considerations should include, but not be limited to, the impact such noise has on public and individual health (including the health of the elderly, infants, and children, if appropriate) and wildlife, including non-human mammals, birds, amphibians, reptiles, and insects.
- B. Ordinance. Recommend level at which to set municipal sound regulations/ordinance. Draft proposed municipal sound regulation/ordinance. Recommend system, procedures and reporting required to monitor sound in accordance with jurisdictional, regulatory, and contractual authority. Draft proposed municipal sound regulation/ordinance.
- C. Contractual Compliance. Recommend monitoring, systems, procedures, and reporting required to monitor Developer's sound-related contractual obligations to Milwaukee County.
- D. Monitoring Devices. Recommend locations and number and type of monitoring devices to adequately measure and monitor sound at the Premises. Include recommendations with respect to the Events.
- E. Engineering and Design. Recommend the best practices for staging, engineering, sound system design, and/or equipment to mitigate the sound emanating from all activities at the Premises as well as to prohibit spill over into Affected Area. Include recommendations with respect to the Events.
- F. Future Uses. Recommend the best practice(s) for approval of future uses of the site. Include recommendations with respect to monitoring devices, engineering, design, and contractual and legal compliance, if applicable.

PHASE IV

Final Reporting

- A. Research. Provide the County with all research compiled and conducted, including: (i) maps (with GIS coordinates for each data point), (ii) raw data files, and (iii) summarized data files, all an agreed-upon digital file format.
- B. Final Report. Produce a final report and present the final report to the County. The final document must be comprised of, but is not limited to the following areas:
 - a. Executive Summary
 - b. Description of Previous Data Collected
 - c. Methods (describing methodology pertaining to each step of the Sound Study as described in (Phase II)
 - d. Survey Findings (including findings related to each step of the Sound Study as described in Phase II)
 - e. Recommendations (including recommendations with respect to each of the five enumerated tasks pursuant to Phase III)

Evaluation and Selection

The County received proposals from five entities. One entity was disqualified from

consideration because it failed to meet the RFP requirement that it subcontract at least seventeen percent (17%) of its potential awarded contract dollars to a Targeted Business Enterprise (“TBE”).

An evaluation panel reviewed and scored the proposals from the remaining four entities. The panel invited the two highest-scoring proposers, Acentech, Inc. (“Acentech”) and RSG to participate in finalist presentations. After the finalist presentations, the panel determined that RSG, the highest-scoring proposer, would receive the intent to award for the RFP. RSG proposed to subcontract seventeen percent (17%) of its award to Beth Foy & Associates (“Beth Foy”), a TBE certified by the Wisconsin Unified Certification Program.

The panel concluded that RSG and Acentech both exhibited the technical proficiency necessary to conduct the sound study. RSG, however, was more mindful of the necessity for public involvement and outreach efforts than Acentech. Additionally, while both RSG and Acentech are headquartered on the East Coast, the panel valued RSG’s effort in securing local subcontractors in order to ensure that the sound study received community “buy-in.”

BUDGETARY IMPACT

The total cost of RSG’s proposal for the sound study is \$309,900. This cost appears consistent with the market; the total cost proposed by Acentech is \$271,184, and the County received another proposal with a cost of \$467,367.

While the evaluation panel discussed the potential savings incurred by selecting Acentech, this factor did not outweigh the strengths of RSG’s proposal.

The 2021 Adopted Budget allotted \$50,000 in allocated contingency (Countywide Non-Departmental Expenditures (1940)) for a comprehensive sound study at The Rock Sports Complex to ensure compliance with noise mitigation requirements set forth in File 17-598.

In order to enable County stakeholders to delete any tasks from the sound study deemed unnecessary or cost prohibitive, the fees were proposed pursuant to the RFP on a “line-item” basis. RSG’s cost proposal is attached.

ANALYSIS

The cost associated with proposal exceeds the original budget allocation by a factor of six. It’s unlikely that the scope of work could be amended to conform to the budget allocation, while still providing the comprehensive analysis that was originally requested.

Staff has provided this as an informational report, as it does not intend to seek additional funds for the study. While staff recognizes that a comprehensive sound study could

better inform public debate, it would struggle to justify such an expenditure in the context of Milwaukee County's strategic plan and relative to other budget challenges.

Staff would be happy to share what it's learned from the RFP process with the City of Franklin or any other party that may seek to complete such a study.

Suzanne Carter

Suzanne Carter, Interim Director Procurement Division
Department of Administrative Services

- c: Supervisor Jason Haas, Chair, Committee on Finance
- Supervisor Sequanna Taylor, Chair, Committee on Audit
- Supervisor Anthony Staskunas, 17th District
- Supervisor John F. Weishan, Jr., 16th District
- Mary Jo Meyers, Chief of Staff, County Executive's Office
- Kelly Bablitch, Chief of Staff, County Board
- Aaron Hertzberg, Director, Department of Administrative Services