

AVIATION AUTHORITY POLICY

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PURPOSE: To establish a policy for the procurement of construction, improvements, repairs, or work of any nature, as well as equipment, materials, supplies, and services, excluding those covered under the Consultants' Competitive Negotiation Act (CCNA).

LEGAL CONSIDERATION: Section 11(1)(a) of the Hillsborough County Aviation Authority Act provides that all construction, improvements, equipment, repairs, supplies, materials, services or work of any nature in excess of \$100,000, will be procured through advertising and awarded by the Authority with the lowest responsive and responsible bidder, respondent, or proposer, unless otherwise exempt by law. Sections 6(2)(g) and 6(2)(n) of the Hillsborough County Aviation Authority Act grant the Authority the power to employ, negotiate and enter into any necessary contracts and agreements, including agreements with technical and professional experts necessary to assist the Authority in carrying out or exercising its powers. Sections 6(2)(c) and 6(2)(z) of the Hillsborough County Aviation Authority Act grant the Authority the power to engage in construction and maintenance of airport facilities. Additionally, Sections 6(2)(e) and (f) of the Hillsborough County Aviation Authority Act provide that the Authority may appoint a Chief Executive Officer (CEO) who shall be responsible for the day-to-day administration, management and operation of the Authority, and by policy or resolution, may be authorized to perform any of the powers of the Authority.

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POLICY:

A. Procurement Mechanism Selection for Securing Goods and Services

The Vice President of Procurement is responsible for overseeing the centralized procurement activities and will determine the most appropriate procurement mechanism for securing goods and services including the use of design and performance specifications. In making the determination, the Vice President of Procurement will consult with the management of the user department and other stakeholders as necessary. Factors to be taken into consideration will include demand, cost effectiveness, analysis of direct purchases including use of the Florida Department of Revenue Owner-Direct Purchase Program, schedule impacts, customer convenience, timely reaction, customer and tenant needs, minimizing customer impacts, legal requirements, and maintaining flexibility.

B. Procurement Authority

The Vice President of Procurement has the authority to carry out all procurement functions including, but not limited to, advertisement of solicitations, cancellation or

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postponement of solicitations, authorizing short listing of responses, evaluation of responses to solicitations, determination of whether responses are responsible and responsive, establishing guidelines for determining ability to cure part or all of solicitation responses and any applicable remedy, rejection of any response that is determined to be non-responsive or non-responsible, award of purchases, making sole source determination, and all other procurement functions.

Purchases exceeding \$100,000, except for utilities, government fees, taxes, and memberships in professional organizations as set forth below, will be awarded by the Board, or the CEO if designated by the Board. All procurements requiring Board award will be prepared by the Procurement Department. Procurement of all purchases not exceeding \$100,000 and purchases of utilities, government fees, and taxes as set forth below will be awarded by the CEO or designee.

Purchases exceeding \$100,000, with the exception of sole source purchases, government and cooperative contract pricing purchases, emergency purchases, utilities, government fees, taxes, memberships in professional organizations, the hiring of non-Authority attorneys (with the exception of bond counsel and disclosure counsel) or other Board approved exceptions will be procured through a competitive selection process where sealed responses are received in response to an advertised solicitation (Competitive

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Selection Process). Competitive Selection Processes include Invitation to Bid (ITB), Requests for Qualifications (RFQ), Requests for Proposals (RFP) and Invitation to Negotiate (ITN). RFPs, RFQs and ITNs are solicitations where the highest overall best value to the Authority is received based on factors that may include, but are not limited to, price, quality, design, and workmanship.

Purchases of goods and commodities between \$15,000 and \$100,000 will be made by purchase order or other efficient contracting method, and best efforts will be made to obtain at least three written quotes. Purchases of goods and commodities less than \$15,000 and purchases of services less than \$100,000 will be handled in a reasonable and efficient cost effective manner.

The CEO or designee is designated the power to execute purchasing and other ancillary documents for all procurements.

Compensation paid under any awarded contract is subject to the availability of funding as approved by the Authority.

C. Sole Source Purchases

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Sole source purchases may be made without advertising or the use of a Competitive Selection Process when the Authority can substantiate that the required purchase is highly specialized or proprietary, or when no other authorized vendor can supply the required goods and services. Written justification must be provided for all sole source purchases.

D. Standardized Purchases

Goods and commodities may be standardized to ensure purchases meet desired specifications or attributes. Standardization will be based on evaluated criteria such as product performance, consistency of manufacturer(s), life cycle costs, design life, and maintainability.

E. Government and Cooperative Contract Pricing

Government and Cooperative contract pricing may be used in lieu of a Competitive Selection Process or the need for three quotes, when purchased through the following procuring entities and where such contracts were procured using a full and open Competitive Selection Process that meets the requirements of Florida Statutes:

1. State of Florida purchasing contracts

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2. Any other Florida Governmental entity's contracts awarded on a statewide level
3. Airport Purchasing Group contracts
4. Multi-state cooperative purchasing agreements
5. ~~U.S. Communities Government Purchasing Alliance~~ Omnia Partners, Public Sector
6. ~~National Joint Powers Alliance (NJPA)~~ Sourcewell
7. ~~The Cooperative Purchasing Network (TCPN)~~ General Service Administration (GSA) Schedule 70 (IT) and Schedule 84 (Public Safety)
8. Other Government and Cooperative Contracts that meet the requirements set out above.

F. Emergency Purchases

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When a situation threatens the safety of employees or passengers, the operation of the airport, or loss of airport property, an emergency purchase may be necessary to mitigate the situation. Upon the determination by the CEO or designee that such an emergency situation exists, the emergency purchase will be made without advertisement and with as much competition as is practicable under the circumstances. Purchasing cards may be used for an emergency purchase. Within five business days of the emergency purchase, the CEO or designee will provide the Vice President of Procurement with written justification for the emergency purchase and any approved invoices or receipts. If the emergency purchase requires a company to provide services on airport property, the requesting department will be responsible for obtaining a copy of the company's insurance certificate. Any emergency purchase in excess of \$100,000 must be presented to the Board for ratification at the next possible Board meeting.

G. Utilities, Government Fees and Taxes

The Authority is subject to certain recurring, mandatory expenditures that are not subject to a Competitive Selection Process. These expenditures are part of the day to day operations of the Authority, and all of the expenditures are reflected in the Authority's annual budget as line items. These expenditures include:

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1. Utilities (sewer, solid waste, water, electricity, natural gas).
2. Federal, state and local taxes.
3. City of Tampa ARFF Services Fees.
4. Hillsborough County Board of County Commissioners Civil Service Fees.

H. Memberships in Professional Organizations

1. **Aviation-Related Organizations**
 To enhance the Authority’s knowledge and performance, the Authority participates in aviation-related organizations. Memberships in these organizations are recurring expenditures that are paid based on the annual renewal amounts specified by each organization and are not subject to a Competitive Selection Process. These expenditures are reflected in the Authority’s annual budget. The Aviation-Related Organizations are listed below:

- a) Airports Council International (ACI)

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- b) American Association of Airport Executives (AAAE)
- c) Florida Airports Council (FAC)
- d) Airport Minority Advisory Council (AMAC)
- e) U.S. Travel Association
- f) Other Aviation-Related Organizations as approved by the CEO

2. Business Development and Tourism Related Organizations

The Authority partners with organizations that have responsibility for economic development, business development, travel and tourism to further the economic growth of Airport facilities and the Tampa Bay region. Memberships in these organizations are recurring expenditures that are paid based on the annual renewal amounts specified by each organization and are not subject to a Competitive Selection Process. These expenditures are reflected in the Authority's annual

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budget. The Business Development and Tourism Related Organizations are listed below:

- a) Tampa Hillsborough Economic Development Corporation
- b) Greater Tampa Chamber of Commerce
- c) Tampa Bay Partnership
- d) St. Petersburg Clearwater Chamber of Commerce
- e) Enterprise Florida
- f) Visit Florida
- g) Visit St. Pete Clearwater
- h) Visit Tampa Bay

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- i) Greater Tampa Chamber of Commerce - Tampa Hillsborough International Protocol Office (THPPO)
 - j) Florida Chamber
 - k) Westshore Alliance
 - l) Other Business Development and Tourism Related Organizations as approved by the CEO

I. Professional Services Contracts

Contracts for professional services not included under CCNA may be awarded with a scope of services or work which describes the nature of the service or work to be performed, when authorized, for a specific task or project. The contract must contain a termination clause or a specific term for the contract. Once a firm is selected by the Authority, there is no restriction regarding the award of successive contracts.

J. Negotiated Contracts

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The following contracts are exempt from the Competitive Selection Process or may be negotiated:

1. **Airport Rescue and Fire Fighting (ARFF) Services and Paramedic Services**
A negotiated government services contract with the City of Tampa will be used in contracting for ARFF and Paramedic services at Tampa International Airport.

2. **Law Enforcement**

A negotiated government services contract with local law enforcement agencies will be used in contracting for law enforcement services when needed to supplement Authority law enforcement personnel. Recommendations will be presented to the Board for approval.

3. Any procurement which followed the Competitive Selection Process but where competition was limited to only one responsible response. Procurement may directly negotiate to obtain the best value possible for the Authority.

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4. Procurement of other goods and services exempt from the Competitive Selection Process by Board policy.

K. Change Orders and Amendments

Development related contracts, non-capital contracts and professional services agreements awarded by the Board contain provisions to allow for the modifications to the plans, specifications, bid quantities, or other contract documents which change the basis or amount of payment, contract sum, or contract time. Except as outlined below, all modifications to the contracts or agreements must be approved by the Board and signed by the CEO in the form of a change order or amendment to the contract documents. The various modifications to the contracts include, but are not limited to, change orders, construction change directives, written orders for minor work, supplemental agreements, quantity adjustments, work orders, extra work, amendments and authorizations.

In order to expedite work and avoid or minimize delays in the work covered by a contract or agreement, the CEO will have the power and authority to approve modifications to a contract or agreement awarded by the Board in accordance with the terms of the contract or agreement up to a cumulative total of 5% of the Board approved contract or agreement amount for non-capital contracts or agreements (including non-capital professional

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services contracts or agreements) and 5% of the Board approved contract or agreement amount or one hundred thousand (\$100,000.00) dollars, whichever is greater (Cumulative Total) for construction or development related contracts or agreements (including capital professional services contracts or agreements). The Cumulative Total of modifications to a contract or agreement applies to all items of work which have not been formally approved by the Board in the form of a change order or amendment. A summary of modifications to the contract or agreement will be submitted for information purposes to the Authority's website.

Notwithstanding any of the foregoing, the execution of any Owner Direct Purchase change orders will not modify the Cumulative Total.

L. Cone of Silence

To ensure a proper and fair evaluation, the Authority has established a cone of silence applicable to all Competitive Selection Processes, including RFPs, RFQs, ITNs and ITBs. The cone of silence is designed to protect the integrity of the procurement process by shielding it from undue influences. The cone of silence will be imposed on all Competitive Selection Processes beginning with advertisement for the same and ending with the Board's selection for RFQs and RFPs and Board award for ITNs and ITBs.

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The cone of silence prohibits any communications regarding a specific RFP, RFQ, ITN, or ITB between:

1. A potential respondent (which includes vendors, service providers, bidders, proposers, lobbyists and consultants) and their representative(s) and Authority staff or Authority consultants engaged to assist the Authority on a specific RFP, RFQ, ITN, or ITB, except for communications with the Authority's procurement agent or other supporting procurement staff responsible for administering the procurement, provided the communication is strictly limited to procedural matters of the Competitive Selection Process.
2. A potential respondent and their representative(s) and a Board member.
3. A potential respondent and their representative(s) and any member of the technical evaluation committee or negotiation team.
4. A Board member and any member of the technical evaluation committee or negotiation team.

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Unless specifically provided otherwise in the applicable solicitation document, in addition to the exceptions set forth above, the cone of silence does not apply to:

1. Communications with Legal Affairs.
2. Oral communications at the pre-proposal or pre-bid conference.
- ~~3.~~ 3. Oral communications during publicly noticed technical evaluation committee meetings that are specifically for presentations, demonstrations or interviews.
- ~~3.4.~~ 3.4. Oral communications during publicly noticed negotiation meetings.
5. Oral communications during any duly noticed Board meeting.
6. Communications relating to protests made in accordance with the Authority's Procurement protest policy.

Notice of the cone of silence requirements will be included in all Competitive Selection Process solicitation documents. The notice should include the name and phone number

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of the Authority's procurement agent to whom communications regarding procedural matters of the Competitive Selection Process can be made. The notice should also include a statement that any violation of the cone of silence by a respondent and their representative(s) will render voidable their response as well as any resulting contract awarded to them.

At the beginning of every month, the CEO will provide the Board members with a list of active procurements and the anticipated advertisement dates for procurements to be advertised during the subsequent month so that the Board members know when the corresponding cone of silence goes into effect. Also, within one business day after any submission response due date, the CEO will provide the Board members with the names of the respondents.

Any person who knows of a violation of the cone of silence should immediately report such violation to Legal Affairs.