

AVIATION AUTHORITY POLICY

400:	FISCAL MATTERS	Effective:	04/01/82
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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 or notice and awarded by the Authority to 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 may include demand, quality, 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 or notice of solicitations, cancellation or postponement of solicitations, authorizing short listing of responses, evaluation of

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responses to solicitations, determination of whether responses are responsible and responsive, establishing guidelines for determining ability to cure part or all of the 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 determinations, and all other procurement functions.

Purchases exceeding \$100,000, except for utilities, government fees, taxes, commercial advertising, and memberships 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, taxes, commercial advertising, and memberships 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 purchases, emergency purchases, standardized purchases, utilities, government fees, taxes, memberships, commercial advertising (as discussed below), 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 or noticed solicitation (Competitive Selection Process). Competitive Selection

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Processes include Invitation to Bid (ITB), Requests for Qualifications (RFQ), Requests for Proposals (RFP), Reverse Auction (RA), 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 methods, 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.

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C. Sole Source Purchases

Sole source purchases may be made without 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/or services. Written justification must be provided for all sole source purchases.

D. Standardized Purchases

Goods, commodities, and/or services may be standardized to ensure purchases meet desired specifications or attributes. Standardization will be based on the evaluated criteria, including but not limited to, product performance, consistency of manufacturer(s), life cycle costs, design life, and maintainability.

E. Government and Cooperative Contracts

Government and Cooperative contracts may be used instead 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:

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1. State of Florida purchasing contracts
2. Any other Florida governmental entity's contracts awarded on a statewide level
3. Governmental group purchasing organizations
4. General Services Administration (GSA)
5. Other Government and Cooperative Contracts that meet the requirements set out above.

F. Emergency Purchases

When a situation threatens the safety of employees or passengers, the operation of the airport, or a 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 exists, the emergency purchase will be made without advertisement or notice and with as much competition as is practicable under the circumstances. Purchasing cards may be used for emergency purchases. Within five business days of the emergency purchase, the CEO

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or designee will provide the Vice President of Procurement with a 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 following final payment for the emergency situation.

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:

1. Utilities (sewer, solid waste, water, electricity, natural gas).
2. Federal, state, and local taxes and reimbursements.
3. City of Tampa ARFF Services Fees.

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H. Memberships in Aviation-Related, Business Development and Tourism Related, and 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. Examples of aviation-related organizations are listed below:

- a) Airports Council International (ACI)
- b) American Association of Airport Executives (AAAE)
- c) Florida Airports Council (FAC)

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- d) Airport Minority Advisory Council (AMAC)
- e) U.S. Travel Association
- f) Other aviation-related organizations

2. Professional Organizations

To enhance the Authority's knowledge and performance, the Authority participates in professional organizations related to individual job duties. 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.

3. 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

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

- a) Tampa Bay Economic Development Council
- b) St. Petersburg Economic Development Corp.
- c) Tampa Bay Chamber
- d) St. Petersburg Area Chamber of Commerce
- e) SelectFlorida
- f) Visit Florida
- g) Visit St. Pete-Clearwater

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- h) Visit Tampa Bay
- i) Associated Industries of Florida
- j) Westshore Alliance
- k) Other business development and tourism related organizations

I. Commercial Advertising

The Authority uses a variety of advertising media including, but not limited to, digital, print, and broadcast, to provide targeted promotional messaging to the general public. These recurring expenditures are reflected in the Authority's annual budget. The specific advertising media are selected to target a unique audience and are not subject to a Competitive Selection Process.

Notwithstanding any of the foregoing, contracts for the Authority's on-premises advertising program, which provides targeted static, digital, dynamic, experiential, and

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promotional messaging to guests on Authority-owned facilities or property, are subject to a Competitive Selection Process.

J. Professional Services Contracts

Contracts for professional services not included under CCNA may be awarded with a scope of services or work that 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.

K. Contracts Exempted from the Competitive Selection Process

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.

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

L. 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

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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 or designee 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.

To expedite work and avoid or minimize delays in the work covered by a contract or agreement, the CEO or designee 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 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

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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.

M. 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, RAs, 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 on the date the Solicitation documents are posted on the Authority website and ending with the Board's selection for RFQs and Board award for RFPs, ITNs, RAs, and ITBs.

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

1. A potential respondent (which includes vendors, suppliers, service providers,

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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, RA, 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.

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.

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2. Oral communications at the pre-proposal or pre-bid conference.
 3. Oral communications during publicly noticed technical evaluation committee meetings for presentations, demonstrations, or interviews.
 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, email, and phone number 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 void their response as well as any resulting contract awarded to them.

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			06/07/18
			09/03/20

At the beginning of every month, the CEO will provide the Board members with a list of active procurements and the anticipated dates for procurements to be advertised or noticed 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.

N. Awarding of a Contract Following Termination

If a contract is terminated for cause within one (1) year of the award, the Authority may award all or part of the contract to: (i) the next lowest priced, responsible, and responsive respondent under an ITB or RA; or (ii) the next highest ranked responsible and responsive respondent under an RFP, RFQ (Non-CCNA), or ITN. Such a decision to award all or part of a contract to another Respondent must be based on the considerations of fair competition and the best interest of the Authority. The award will be subject to Board or CEO approval depending on the applicable Procurement threshold.